

## MISSISSIPPI

James J. Hiller, Calhoun City.  
 Bettie D. Robertson, Collins.  
 Finley B. Hewes, Gulfport.  
 Jack F. Ellard, Leland.  
 Malcolm E. Wilson, Marks.  
 Minnie S. Suddeth, Mount Olive.  
 Ben Linn, Pickens.  
 Levi J. Jones, Richton.  
 Aden N. Utsey, Vosburg.  
 Ethan A. Wood, Woodville.

## MISSOURI

Ernest Young, Verona.

## NEBRASKA

Ernest E. Goding, Dix.  
 Cyril Svoboda, Prague.  
 John R. Bolte, Snyder.

## NEW HAMPSHIRE

Blanche W. Drew, Intervale.

## OKLAHOMA

James M. Baggett, Tuskahoma.

## TEXAS

Floyd W. Holder, Breckenridge.  
 John T. Hall, jr., Hacienda.  
 Otto Pfefferkorn, Maxwell.  
 Raymond Mullen, Taft.  
 Elmer L. McFarland, Wingate.

## WISCONSIN

Leroy G. Waite, Dousman.  
 Hjalmar M. Johnson, Eau Claire.  
 Clem G. Walter, Kendall.  
 John J. Kocian, Milladore.  
 Libbie M. Bennett, Pewaukee.  
 Jessie Loescher, Salem.  
 William H. Call, Strum.  
 James E. Robar, Walworth.  
 Albert J. Topp, Waterford.  
 Lizzie J. Riley, Wilson.

## HOUSE OF REPRESENTATIVES

TUESDAY, February 17, 1925

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Throughout this day, O Lord, may our obligations to Thee, to our country, and to ourselves be administered with enlightened understanding and with intelligent conviction. Heavenly Father, infinite in love and mercy, marvelous in good works, be with us in our human limitations and earthly infirmities. Teach us how to use this old world and how to convert things and circumstances to the help and honor of our fellow men. Reach through every loss and touch it with Thy sympathy; put forth Thy hand on every gain and bless it for Thy use. Temper our minds to do Thy will and touch our hearts that they may love the good, the beautiful, and the pure. Amen.

The Journal of the proceedings of yesterday was read and approved.

## ADDITIONAL JUDGE, DISTRICT OF MARYLAND

Mr. BLANTON. Mr. Speaker, I did not catch what the Journal showed about the bill (H. R. 5083) to create an additional judge for the District of Maryland. That bill was objected to and was not passed. The press this morning states that that bill was passed, and if the Journal so states it is in error. It was objected to and did not pass.

The SPEAKER. The Journal shows that the bill was objected to.

## UNITED STATES ARMY BAND

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting an article on the United States Army Band.

The SPEAKER. An article by the gentleman himself?

Mr. WOODRUM. Yes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the Record by inserting an article on the United States Army Band. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Speaker and gentlemen of the House, with your indulgence it is my purpose from time to time to insert in the Record some facts and observations with reference to the various splendid musical organizations of the United States Government. At the present I want to speak of the Army Band.

Our Government is unusually fortunate in that it can boast of musical organizations second to none in the world. It could, indeed, make no better investment than to give its liberal support to these worthy organizations. I wish it were possible that some plan might be worked out whereby these bands and orchestras might be given an opportunity to personally visit the various cities of the Nation and thus give the citizens an opportunity to receive the great inspiration that would come from listening to their concerts. The advent of the radio has, of course, made it possible for the Nation to enjoy, at least to some extent, these organizations.

As a result of close observation of the European military bands during the World War, General Pershing realized the need of a representative band in our own Army, capable of holding its own with the best bands to be found in any country in the world. Accordingly, upon becoming Chief of Staff of the Army of the United States, General Pershing gave orders for the formation of such a band. Ninety musicians were therefore selected from the different service bands of the Army and were gathered in Washington. In the spring of 1922 these musicians were organized into the Army Band at Fort Hunt, Va. First Lieut. P. W. Lewis was selected as commanding officer and remained with the band until 1924, when Capt. R. G. Sherman assumed command. Captain Sherman is the present commanding officer, and to his already enviable record in the World War he has added a most creditable record as organizer disciplinarian. At the Army Band's recent dinner, at Washington Barracks, Gen. Hanson E. Ely complimented the commanding general of the district of Washington upon having selected so able an officer as Captain Sherman to command the Army Band.

For drum major General Pershing selected Sergt. Willis S. Ross, who had been drum major of the General Headquarters Band (otherwise known as Pershing's Band) in France. He is one of the most efficient drum majors in the United States Army.

In September, 1922, the Army Band was ordered to Washington Barracks, D. C., where it immediately plunged into the many duties of the city. The need then became apparent to select a capable leader who must necessarily possess more than average ability as a band leader. Accordingly, a board of officers and warrant officers was appointed to report upon the efficiency of the applicants for the position. The board, having gone over the matter very carefully, selected Warrant Officer W. J. Stannard as the band leader and he was accordingly detailed for that duty, where he has continued to the present.

Largely through Mr. Stannard's efforts the Army Band has taken its place in the very forefront of musical organizations and he has placed the Army Band on an equality with the best there is.

Mr. Stannard entered the Army when 18 years of age. He has studied under C. L. Staats, of the Boston Symphony; Mr. Norrito, clarinet soloist with Sousa's Band for many years; Mr. Leroy, of the Garde Republique Band, France; and Mr. Levy, of the Russian Symphony Orchestra. In 1911 he won a scholarship to the Institute of Musical Art, under the direction of Dr. Frank Damrosch, and graduated after having completed a four years' course in two years. He was appointed band leader in June, 1913, and was immediately assigned to the Thirtieth Infantry in Alaska, which he reorganized and brought to such a high state of efficiency that he was complimented by Capt. D. E. Nolan, now Gen. D. E. Nolan. From here he went to the Thirteenth Infantry, and under his baton the Thirteenth made an enviable reputation. While in the Philippines Mr. Stannard had the honor of directing the Constabulary Band, a world-famous musical organization. On his return to the United States Mr. Stannard, as ranking band leader at Camp Fremont, Calif., directed the consolidated band concerts given at the camp and also those within a 100-mile radius. He directed a most impressive concert at the Auditorium, San Francisco, accompanying Madame Schumann-Heink. Upon being ordered to Camp Merritt, N. J., with the Thirteenth, he was placed in charge of all the music in the camp, and was selected to direct the composite band of the First Division for the reception tendered to General Pershing upon his return from France; also directed the band upon the occasions of President Wilson's departure for and return from France.

In December, 1919, Mr. Stannard was detailed as instructor at the Army Music School, Washington Barracks, D. C., but was requested to return to the Thirteenth Infantry by its commanding officer, which he did, remaining with the Thirteenth

for a period of one year, when he again took up his duties as instructor at the Army Music School.

his able leadership very soon manifested itself. One of his first Upon receiving his assignment as leader of the Army band, acts was the organizing of an orchestra, which proved its worth in a series of concerts during the winter of 1924. Two of these concerts were given at the House Office Building, which brought forth many commendatory letters from Members of the House.

The Army Band has been in the forefront at the more important affairs in the National Capital, having led the funeral procession of the late President Harding; led the Defense Day parade, and shared honors with the Marine Band and the Navy Band in the park concerts during the summer and other events where military bands participated. Among its proudest possessions are letters of commendation from the Secretary of War, General Pershing, the late President Harding, the ambassador from Mexico, and Doctor Rowe, director of the Pan American Union. The Pan American Union has selected the Army Band as its official band for the introduction of South American music into the United States. In this direction a great measure of success has crowned the Army Band's efforts. Through concerts at the Pan American Building, and more especially through radio broadcasting, the American people have come to enjoy and appreciate the music of our neighbors in South America. Taken all in all, the Army Band has become indispensable in the many and varied ceremonies and events of Washington.

Good and efficient leadership is, of course, indispensable in such an organization. However, one must not forget the rank and file. The splendid work of the Army Band would not have been possible without the faithful and loyal support given its leaders by the members of the band, who have shown the very highest ability as musicians, both individually and collectively. Herewith is a list of the personnel of the band as of this date:

Leo F. J. Arnold, Wallace Appleton, Emil O. Bandel, Reinier Bandel, John Bauman, Clarence E. Beatty, Tim Banko, Theodore Bingert, Thomas L. Blunt, Tom Bogie, William J. Borland, Clyde J. Bowman, Edward J. Burke, Amiel Bushkovski, John Chipura, Hrynko Choptowy, Ernest Clapp, John B. Clemmons, Joseph Dufresne, Orville E. Ditto, Rudolph M. Eckman, Gustav Ey, Frans O. Felt, Curt H. Fisher, August Garczorz, Charles J. Garrity, Orville M. Gold, Alfred P. Gsell, Jerome Hajek, John D. Henning, Sharon G. Highsmith, Leonard Hollars, John T. Hook, Carl Hubner, William H. Hummel, Willis Hutton, Lawrence Hostetter, Frank J. Jakubec, Samuel L. Johnson, James G. Keller, Ira Kiger, Henry J. King, Nicholas L. King, Wallace M. Kirsch, Charles R. Kline, Fred C. Krapp, Harry Kravetz, William Krushinski, John J. Latwas, Charles Lucom, Alexander Lutkewitz, Alfred P. Luedtke, Benjamin Mark, Adam Madey, Edgar W. McKean, Jacob M. Millet, George W. Mitchell, Milton W. Nation, Victor T. Nixon, Olaf M. Nord, Charles Novotny, Hugh Peaslack, Harry W. Phillips, William F. Raymond, Samuel Rotstein, Louis Saldenberg, Thomas A. Shannon, Lester J. Shafer, Otto Siebenschen, Fred L. Smith, George Six, Fred Sonderman, David L. Sylvan, Friedrich Tovernick, William Verhey, Wilfred E. Vincent, Fred Voll, Kenneth B. Watts, William H. Walker, Whit O. Whatley, Blair Yon, Joseph L. Young, Stewart Young, Arthur J. Zeccola.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 5061. An act for the relief of Russell Wilmer Johnson;  
H. R. 6581. An act authorizing the Postmaster General to provide emergency mail service in Alaska;

H. R. 7911. An act to authorize the Secretary of the Treasury to sell the appraisers' stores property in Providence, R. I.; and  
H. R. 8741. An act for the relief of Flora M. Herrick.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 9634. An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve;

H. R. 2716. An act to amend paragraph 20 of section 24 of the Judicial Code as amended by the act of November 23, 1921, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes"; and

H. R. 9308. An act to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the regular Navy.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 292. An act to incorporate the American Bar Association;  
S. 300. An act to provide for election contests in the Senate of the United States;

S. 708. An act for the relief of various owners of vessels and cargoes damaged by the U. S. S. *Lamberton*;

S. 1649. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto;

S. 2264. An act to authorize the closing of a part of Thirty-fourth Place NW. and to change the permanent system of highways plan of the District of Columbia, and for other purposes;

S. 2586. An act for the relief of Robert June;

S. 3050. An act for the relief of the Turner Construction Co., of New York City;

S. 3162. An act authorizing the Postmaster General to make monthly payment of rental for post-office premises under lease;

S. 3400. An act for the purchase of a tract of land adjoining the militia target range at Auburn, Me.;

S. 3406. An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes;

S. 3408. An act to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918, and for other purposes;

S. 3765. An act to authorize a five-year building program for the public-school system of the District of Columbia, which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia;

S. J. Res. 125. Joint resolution granting permission to Fred F. Rogers, commander, United States Navy, to accept certain decorations bestowed upon him by the Venezuelan Government;

S. J. Res. 141. Joint resolution providing for the appointment of a commission to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force December 2, 1923; and

S. J. Res. 185. Joint resolution making an appropriation for the arrest and eradication of anthrax.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. STANFIELD, Mr. NORBECK, and Mr. PITTMAN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 11444) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, and had requested a conference with the House thereon, and had appointed Mr. MOSES, Mr. PHIPPS, and Mr. McKELLAR as the conferees on the part of the Senate.

#### WRITS OF ERROR

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which S. 2693, in reference to writs of error, was passed by the House. That is a bill, as you may remember, abolishing writs of error. It was passed on the same day that the general procedure bill was passed. Afterwards the House, in order to correct some omissions in the second section, ordered the return of the bill from the Senate, and the bill is now on the Speaker's table. I do this for the purpose of offering a substitute prepared by the committee of judges, which will harmonize this bill with the general procedure bill. This section made no provision for assignments of error and would leave the record so that the appellant could roam in every direction. This second section authorizes the court to prepare rules governing the appeal and the act abolishes the writ of error.

Mr. GARRETT of Tennessee. Has the substitute which the gentleman proposes to offer been considered by the Committee on the Judiciary?

Mr. GRAHAM. It has not.



Mr. GARRETT of Tennessee. Does not the gentleman think it should be submitted to the committee?

Mr. GRAHAM. I would think not. The gentleman from Texas [Mr. SUMNERS] has gone over it and approves of it. He is the ranking Democratic member of the committee. I thought that as the matter was on the Speaker's table and we had recalled it, this amendment, which was prepared by the committee of judges, might be considered at this time. I will add that the proposed amendment makes no change in the objects of the bill.

Mr. GARRETT of Tennessee. I have no objection to it, but as we got tangled up on the other matter it occurred to me it would be a good idea for the committee to pass on it.

Mr. GRAHAM. I will say to the gentleman that this is perfectly proper.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The vote by which the bill was read a third time and passed is vacated, and the gentleman from Pennsylvania submits an amendment, which the Clerk will report.

Mr. BLANTON. Mr. Speaker, the gentleman ought to give us an opportunity to look this bill over before he calls it up. If the committee could make a mistake in one instance, it could make it in another.

Mr. GRAHAM. The committee made no mistake in the other instance at all.

Mr. WINGO. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. WINGO. As I understand it, the proposal which the gentleman now offers is one that was prepared by the committee of judges?

Mr. GRAHAM. Yes.

Mr. BLANTON. Will not the gentleman have it read before we give consent?

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to Senate bill 2693, in reference to writs of error: Strike out section 2 and insert the following:

"Sec. 2. That the appeal hereby substituted for a writ of error shall be taken and perfected in the mode prescribed for taking and perfecting appeals from decrees in equity in the district courts of the United States and shall have the same effect that such an appeal in equity would have; but the review on the substituted appeal shall be limited to the questions which would be open to consideration on a writ of error. The record to be used on a substituted appeal when taken from a Federal court shall be made up and prepared in the manner prescribed by the rules of the Supreme Court relating to the record on appeals in equity.

"Sec. 3. That this act shall take effect three months after its approval; but it shall not affect the review under any writ of error pending at that time."

Mr. WINGO. Will the gentleman explain the effect of that, or possibly I can state it in a question. As I gather from what the gentleman has said this is proposed in order to conform to the provisions of the other bill that was passed, and it is intended that an appeal, in the manner provided by the law as changed, shall be used instead of the customary writ of error proceeding, but that in considering cases which come up in that way the court shall be restricted to the consideration of those questions which they would have been restricted to had the writ of error proceeding been continued? That is practically the effect of this proposal?

Mr. GRAHAM. That is practically all there is in it. I will say to the gentleman that the original resolution left the question of assignments in the air, and while the Supreme Court might have made rules governing that, the record going up without such rules could be roamed over in every direction and there would be nothing to guide the court as to what questions were certified to be settled.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. GRAHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

#### TO AMEND SECTION 281 OF THE REVENUE ACT OF 1924

Mr. GREEN, from the Committee on Ways and Means, submitted a privileged report on the bill (H. R. 12300) to amend section 281 of the revenue act of 1924, which was referred to the Union Calendar.

#### NAVAL AND MARINE CORPS RESERVE

Mr. BUTLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, with Senate amendments thereto, disagree to all the Senate amendments, and ask for a conference.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER appointed the following conferees: Mr. BRITTON, Mr. DARROW, Mr. STEPHENS, Mr. VINSON of Georgia, and Mr. MCCLINTIC.

#### TO AMEND THE NATIONAL DEFENSE ACT

The SPEAKER. The unfinished business is the bill (H. R. 11445) to amend the national defense act, which was passed last night under an agreement that the previous question should be considered as ordered on the passage of the bill and amendment. The Clerk will report the bill with the amendment.

The Clerk again reported the bill with an amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

Mr. BLANTON. Mr. Speaker, I move to recommit the bill to the Committee on Military Affairs.

The motion to recommit was not agreed to.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 91, noes 4.

So the bill was passed.

Mr. BLANTON. Mr. Speaker, I do not feel I should put the House to the trouble of a roll call, and this is intended as a mild protest against making a man a major general over the rules of the Army and the Navy.

#### GENERAL FRIES AND THE CHEMICAL WARFARE SERVICE

Mr. CABLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the chemical warfare bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. CABLE. Mr. Speaker, the Chemical Warfare Service, American Expeditionary Forces, on August 19, 1917, consisted of just one man. That man, however, possessed great energy, sound judgment, keen foresight, and leadership far above the average. After graduating from the United States Military Academy he served with engineer troops during the Spanish-American War and in the Philippine Insurrection. Later he had charge of river and harbor work in several engineering districts, as well as highway construction in national parks. He helped win the fight for the city of Los Angeles in constructing its harbor, one of the finest in the world.

The man is Amos A. Fries. Early in his career, he was brought into contact with Gen. John J. Pershing. On one expedition in the hostile Moro country, Capt. John J. Pershing, United States Cavalry, who commanded the expedition, had First Lieut. Amos A. Fries with him as his chief engineer officer. No doubt the energetic way in which he performed his duties as engineer officer of this expedition had much to do with the choice made by the commander in chief of the United States Expeditionary Forces when, in France, he looked around for a man of sufficient initiative and capability to head a new department of his army.

At the time of his appointment the American Army had practically no knowledge of gas warfare, either offensive or defensive—no gas or chemically trained officer personnel. The American Army was not equipped with one single gas mask or any other protective appliance. Probably not 1 per cent of its personnel knew how to put a gas mask on or when it should be worn. With his appointment General Fries went to work upon the gigantic task and the gas service began to grow. It was reorganized and on August 16, 1918, the Chemical Warfare Service was created and General Fries commissioned brigadier general, United States Army, and placed in charge as chief. He built up the service until on the day of the Armistice the overseas service consisted of more than 600 officers and 3,000 men. From apathy toward offensive use of gas, the Army had been converted to its extensive use. The shell program on the day of the Armistice provided for 25 per cent gas shells and also for the use with the Army of more than three times the first authorized number of special gas troops.

General Fries has been awarded the Distinguished Service Medal (United States); the commander of the Legion of



Honor (France); and the Companion of the Order of St. Michael and St. George (England). His Distinguished Service Medal citation is as follows:

For exceptionally meritorious and distinguished services. As Chief of the Chemical Warfare Service, he was charged with the important task of training and equipping our troops for a form of warfare in which the American Army had had no experience prior to the present war. Both in securing proper defensive measures against gas and in developing new methods for its use as an offensive agency, he performed his arduous duties with marked success, thereby rendering valuable services to the American Expeditionary Forces.

The researches of the Chemical Warfare Service since the war under the leadership of General Fries, and aided by such men as Col. C. E. Brigham, Col. H. L. Gilchrist, and Maj. C. R. Alley, Maj. L. F. J. Zerbee, Maj. A. L. Rockwood, Maj. E. C. Wallington, and Maj. William N. Porter, have resulted in a great many important discoveries which are of value not only in warfare but also in peace-time activities.

The most important development has been the new Army gas mask, which is the most highly efficient gas mask in the world. In conjunction with the Public Health Service a method for the fumigation of ships have been developed which eliminates the danger formerly experienced with hydrocyanic acid. In cooperation with the Department of Agriculture a new process of eliminating the boll weevil has been developed. Another contribution to grain and orchard interests is the development of a means of spraying liquids from airplanes. The Chemical Warfare Service found that by using compressed air or carbon dioxide to build up the proper pressure in the tank of liquid the liquid instead of staying suspended in the air drops almost straight down, permitting the spraying of orchards of large extent, as well as cotton, grain fields, or even forests.

Carbon monoxide is often encountered industrially, especially in mines, and an officer of the Chemical Warfare Service had invented a protection against its injurious results. The service has perfected a means, also, for protecting marine piling from the attack of marine borers, as well as developed an antifouling paint for ship bottoms.

One of the greatest uses of warfare gas that is just beginning to be understood is the use of tear gases for preventing the robbery of banks, for driving desperadoes out of barricaded buildings, and for controlling unruly mobs.

The House to-day in passing the bill giving General Fries the rank of major general is paying a just tribute to him for his loyal service to the United States.

#### HOBOKEN SHORE LINE

Mr. WAINWRIGHT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 2287) to permit the Secretary of War to dispose of and the Port of New York Authority to acquire the Hoboken Manufacturers' Railroad.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill S. 2287, with Mr. TILSON in the chair.

The CHAIRMAN. When the committee rose at its last session all general debate had been completed. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized, for such sum and on such terms and conditions as he may deem best, to sell to and dispose of, and the Port of New York Authority is authorized to acquire from the Secretary of War, the stock of the Hoboken Manufacturers' Railroad Co., said corporation being the lessee of the line known as the Hoboken Shore Road now constituting part of Belt Line No. 13 in the comprehensive plan for the development of the port of New York, adopted by the States of New York and New Jersey, under chapter 43, Laws of New York, 1922, and chapter 9, Laws of New Jersey, 1922, and ratified and confirmed by the Congress of the United States by Public Resolution 66, Sixty-seventh Congress; and the Secretary is authorized and empowered to take and accept in lieu of cash the bonds of the said Port of New York Authority, secured by such lien as the Secretary in his discretion may determine is proper and sufficient; and upon such acquisition the said railroad shall continue to be operated in intrastate, interstate, and foreign commerce and in accordance with the provisions of the said comprehensive plan for the development of the port and the improvement of commerce and navigation: *Provided*, That the operation of said railroad in intrastate, interstate, and foreign commerce shall be subject to the jurisdiction of the Interstate Commerce Commission in the same manner and to the same extent as would be the case if this act had not been passed: *Provided further*, That the Secretary shall attach such conditions to

such transfer as shall insure the use of such railroad facility by the United States in the event of war or other national emergency: *Provided further*, That in order to facilitate the interchange of freight between rail and water facilities, such railroad if acquired by the Port of New York Authority hereunder shall be operated in coordination with the piers and docks adjacent thereto so long as said piers and docks are owned and operated by the United States Government or by any agency thereof, or by any corporation a majority of whose stock is owned by the United States: *Provided further*, That if the Port of New York Authority fails to agree upon terms and conditions of sale which are considered satisfactory by the Secretary of War, he is hereby authorized to sell and dispose of the stock of the Hoboken Manufacturers' Railroad Co. or all or any part of the real and personal property of the Hoboken Manufacturers' Railroad Co. to any purchaser or purchasers upon such terms and conditions as he may deem best subject, nevertheless, to the provisions herein above stated: *Provided further*, That if the Secretary of War shall deem it to be in the public interest that any real or personal property owned by the said Hoboken Manufacturers' Railroad Co. not connected with the railroad itself should be separately disposed of or held for later disposition, he is hereby authorized to cause such property to be transferred from the said Hoboken Manufacturers' Railroad Co. to the United States, and thereafter to sell the same upon such terms as he deems best, or if more expedient, he is hereby authorized to form a corporation to acquire such property, and is authorized to cause such property, or any part thereof, to be transferred from the said Hoboken Manufacturers' Railroad Co. to such new corporations so organized and to accept in place thereof the stock of such new corporation, and to hold the same until such time as he secures what he shall deem to be a fair and reasonable price for such property, at which time he is authorized to sell said property, in whole or in part or the stock in the said new corporation to which such property is transferred on such terms and conditions as in his judgment will best promote the public interest, and the Secretary of War is further authorized to make and impose any terms, conditions, or reservations necessary to effectuate the purpose hereof, and to enter into such contracts as will effectuate the same: *And provided further*, That nothing in this act shall be construed as relieving or exempting the property acquired hereunder by the Port of New York Authority from any municipal taxes or assessments for public improvements, and nothing herein contained shall be construed as an expression on the part of the Congress as to whether the States of New York and New Jersey, or either of them, should relieve or exempt the said Port of New York Authority from taxation or subject the said port of New York or any of said property to taxation.

Mr. PEAVEY and Mr. LAGUARDIA rose.

#### PUNISHING PROGRESSIVES FOR STRAYING FROM PATH OF PARTY REGULARITY

The CHAIRMAN. For what purpose does the gentleman from Wisconsin rise?

Mr. PEAVEY. Mr. Chairman, I want to ask the privilege of extending my remarks in the Record and also ask for indefinite leave of absence on account of serious illness in the family.

The CHAIRMAN. The gentleman should file a written application for leave of absence. Is there objection to the request of the gentleman from Wisconsin to extend his remarks in the Record?

There was no objection.

Mr. PEAVEY. Mr. Speaker and gentlemen of the House, I wish to address the Members for a few moments upon the subject of party regularity.

Some days ago on the floor of this House the illustrious gentleman from Ohio, leader on the Republican side, with a few suave words and a well-directed kick, landed myself and a dozen or so other Republican Members across the aisle into the waiting arms of the able and distinguished leader on the Democratic side, the gentleman from Tennessee, who, thereupon, under the rules of college football, immediately signaled the House for a field goal and very deftly caught the basket of progressive political heretics as it sailed across the aisle, forthwith unburdened himself of a few kind remarks, and with an equally blunt toe deliberately kicked us right back again.

It appears that the distinguished gentlemen occupying the position of Republican leaders in this House hold the opinion and maintain the belief that the whole responsibility of this Government rests squarely upon the shoulders of the Republican and Democratic Parties. But an examination of the Constitution and even the rules of this House fails to disclose the words "Republican" or "Democrat" and I do not believe it was ever contemplated that the majority would be permitted to do more than direct the course of legislation. Any further power than that of facilitating and directing legislation by either the majority or minority party in Congress is usurped.



Especially do I believe this to be true of any power to promote, punish, or expel any Member of either side for his political opinions. Let me say to those whose theory is to place party before country and to compel Members to subscribe to party dictates to which the party itself does not dare to publicly subscribe, that in my opinion the present controversy on this side of the House could not have arisen had the accepted theories of the most sincere advocates of Government by party been adhered to. I submit that the Democrats as the minority party in this House have not functioned as the minority party is supposed and expected to under the theory of party Government of checks and balances; that it has in fact operated more often as an auxiliary to rather than an opposing party or critic of the Republican Party in this House. I quote you the rule as laid down by that nationally known advocate of party government in America and then I submit to you that the self-styled ardent and simon-pure advocates of party government in the Congress and Nation have not adhered to or operated in conformity with the principles which form the basis of their position on this question. It is significant that this question is dealt with by statute in several States and has come within the review of the courts. Merriam, in his book on "The American Party System," page 77, has this to say about party regularity and the right to enforce it:

In recent years the party committee has become a subject of legal regulation and many of its features are now determined by statute. This process began with the passage of the Australian ballot laws, when it became necessary to define "party" in order to determine what groups were entitled to a place on the ballot. With the process of legal regulation, and particularly with the advent of the direct primary, the number, terms, and to some extent the powers of the party committees have been defined by statute and are no longer left to the option of the party. This legislation was due to the desire of the rank and file of the party voters to control the organization by choosing the officers directly. The exercise of these powers by the legislatures has been sustained by the courts in repeated instances, and there remains no doubt as to the power of the State to outline and regulate the party organization. In New York the court has held that the Democratic committee could not expel from its membership a committeeman who had been elected by the party voters but no longer adhered to the party's principles (*People v. Democratic Committee*, 58 N. E. 124, 1900). In Wisconsin it was held that the decision of the Republican National Committee regarding the regularity of contesting delegations was not binding as against the State law covering such cases. The La Follette delegation to the national convention was ousted in favor of the Stalwart delegation, but in the State courts the regularity of the La Follette convention's nominations was upheld (*State v. Houser*, 122 Wis. 534, 619, 1904).

The right of the State to regulate the organization and powers of the party agencies has been strongly upheld by the judiciary. (See "State central committees," *Pol. Sc. Quar.* XIX, 224; also Noel Sargent, *Minnesota Law Review*, II, 97, 192.)

Not to be offensive but to make my meaning clear beyond question, I will, in the language of the layman, assert that "They are not playing square with themselves." It is not my desire to appear to criticize the party of Jefferson, and I only do so because, in my judgment, their failure to accept in full the party responsibility assigned them under the theory of party government furnishes the existing cause or public necessity for the progressive defection in the Republican Party that has occurred.

Had the minority party acted on all measures before this House in the last two Congresses as the zealous defenders of the rights of all the people as contemplated in all the accepted theories of party government, there would have been no need or justification for opposition within the Republican Party itself and the people not approving the majority party's stand or action on any given issue of legislation would have had the opportunity to give their support to the party holding opposing opinions and acting as a party of opposition. Facilitation of Congressional business by the orderly and decorous understanding between the leaders of the two controlling groups in the present House is a desirable thing, but when carried to the point of friendly agreement in securing the passage of the most important legislation to come before Congress, such course immediately and for all time precludes the relation of opposing political parties under the party government idea and becomes simply the relation existing between two major groups in Congress, one acting as an auxiliary to the other and both holding and believing in the same economic and political theories. The fact that differences in procedure and methods do occasionally arise only serves to preserve the pretense of government by opposing political parties before the people of the Nation.

That my position may be made clear to the Members of this House and to the country, I desire to say that I do not recog-

nize the Republican leaders in this House nor in the National Republican Party organization as having any authority, moral or otherwise, to punish or expel me because of my political opinions. I maintain that the only existing power vested in anyone to punish me for my political actions is vested solely in the hands of the Republican voters of the Eleventh Congressional District of the State of Wisconsin, which I have the honor to represent in this House. I recognize my first allegiance to them, and further, any action by the Republican leaders or of the majority of the Members to humiliate me politically or to diminish or destroy my effectiveness as a duly elected Republican Representative in Congress is an affront to the voters of my district and though it may injure them temporarily, it must cause a lasting and irreparable injury to the Republican Party itself. As for my own personal political future or fortunes, I am not concerned. I feel certain that my people will not desert me or even punish me for remaining loyal to them.

But are the Republican Members of this House and of the Nation going to punish me for remaining faithful to the people who elected me? To do so is in fact to deny representation to those who elected me. There was no duplicity or misrepresentation in my election to Congress in 1922 or again in 1924. The people of my district elected me because of my known opposition to such measures as the Esch-Cummins railroad law, the Mellon tax-reduction scheme for relieving the rich at the expense of the poor, to the ship subsidy proposal to give \$300,000,000 to the shipping interests, to the tariff bill that added \$3,000,000,000 to the cost of living in this country, and to all similar schemes. In both of these elections the people of my district had an opportunity to vote for a candidate in the Republican primary who was pledged to support measures like the above, and had he been elected in either case he would undoubtedly have been recognized and accepted by the National Republican Party and the leaders of the majority in this House as a good Republican.

It has been intimated that myself and other Republican Members of this House are to be deprived of our committee assignments. In reply to that I can only say this, speaking for myself alone, as one Member of Congress, that in my opinion such action will not injure me but in effect will punish the district which I have the honor to represent. Such a policy, if adopted by the Republican leadership in this House, strikes directly at the constitutional right of equal representation. As to myself and other progressive Members it will immediately cause this question to arise: To whom do we owe our first allegiance? To the national party whose name appears upon the ballot by which we were chosen, or to the people of our several districts with whom, by platform, through the press, and by verbal utterance we made a valid contract? As for myself, I do not hesitate to say that I intend to keep my word and my platform pledges to the people I represent, be the consequences what they may. For this reason I could not sit in any caucus or meeting which by motion or resolution determines upon a legislative program for the express purpose of binding its Members. Such a course might, and doubtless would in this case, require me to repudiate some of the pledges made to the people in my district.

I am, therefore, not concerned with the Republican caucus called for February 27. The people of my State and my district repudiated the idea of party caucuses many years ago, and I am in full accord with them on this subject. I could not, and would not, attend a Republican caucus, whether invited or not. Therefore, in fairness to the party issuing the call and to keep faith with the people I represent, I respectfully decline such invitation, though it has still to be issued. Every Member knows that when he participates in this caucus he consents to be bound by whatever the majority or two-thirds of that body decides to do, regardless of his promises to constituents or platform pledges. As for myself, I can not serve two masters; I can not keep faith with the people of my district and at the same time obey the will of those elected from Cincinnati, Ohio; Lafayette, Ind.; Philadelphia; and some districts of the State of New York.

In connection with this subject of party loyalty, I read with much interest the statements appearing in the *RECORD*, made by the gentleman from Indiana [Mr. Wood], the keeper of the seals, records, rituals, and catechism of the simon-pure Republicans of this House, in his official capacity as chairman of the Republican congressional committee of the House of Representatives. I can truly say that in the light of his record I am not at all surprised at the arbitrary proposal to kick the Progressive element out of the Republican Party as emanating from the distinguished gentleman from Indiana.

I believe this would be true of any fair-minded Member of this side of the House, especially in the light of the facts that I shall hereinafter set forth, to wit: I was nominated and



elected as a Republican Representative to Congress in 1922, and as such duly elected Republican Representative I was, following my election, immediately denied all rights in the matter of Federal appointments, and my recommendations made in 1922 remain unanswered, and for the most part unacknowledged to this day. I was not even accorded the courtesy of an acknowledgement in the form of the customary stereotyped letter usually sent the humblest citizen.

As late as July 10, 1924, it appeared that my candidacy for the Republican nomination at the primary election to be held September 5, 1924, would be unopposed, but on or about July 12 a nationally known political leader from Wisconsin is reported by the press to have met in conference with Chairman BUTLER, of the National Republican Committee, on matters pertaining to the national campaign and the conditions then prevailing in Wisconsin, and within a week following this alleged conference at Chicago political opponents against myself and at least four other Republican Congressmen from Wisconsin were brought into the field. The man brought out against me in the primary, after his defeat by over 8,000 votes on September 5, canvassed the district, working in conjunction with the Coolidge and Dawes organization, asking Republican support for my Democratic opponent in the general election November 4. A certified copy of his financial statement filed with the secretary of state of Wisconsin, pursuant to State law, under date of August 30, 1924, six days before the primary election on September 5, contains the following item: Under the head of "receipts" appears the following: "Republican congressional committee," and "For what purpose used" appears "Organization and educational work," and in the column headed "Amount" appear the figures "\$750." The above is taken from the original statement certified and sworn to by Ray J. Nye, my Republican opponent in the primary election. Its significance is apparent to the novice in politics. I feel certain it will be of interest to other Members of this House who may be made to suffer in a like manner in some succeeding election to hear from the gentleman from Indiana as to what explanation or defense he has to make for the donation by the Republican congressional committee of which he admits himself to be not only the official head but the keeper of the party's purity and loyalty, in thus donating money in the amount of \$750 for the support of my Republican opponent in the last primary election.

I would like to know by what stretch of imagination, in the light of these facts, he considers himself in a position to read me or any other member out of the Republican Party, after having through his official party organization contributed \$750 to the support of my opponent who, after his defeat for the Republican nomination on September 5, 1924, actively canvassed the district asking Republican leaders and voters who supported him in the primary to vote for my reactionary Democratic opponent in the general election on November 4. While on the subject of explanations it would be interesting to know from what source these funds were made available to the Republican congressional committee for the purpose of helping to defeat the reelection of Republican Members of this House. What boulder gushed forth with streams of cash when the gentleman from Indiana tapped it with his staff? This congressional committee has no visible means of making money; it neither buys, sells, nor manufactures products of any kind so far as I am aware, nor do I know of any business that it engages in outside of politics whereby it could acquire funds. Apparently it files no income-tax return. It goes without saying that this committee does not waste its money knowingly, nor can it be supposed that those who furnished it to the committee believed that they were wasting their money. I, for one, am interested in knowing who the people were that generously supplied the gentleman from Indiana and the other members of his committee with these funds, part of which were to be expended in an effort to help defeat me, under the mistaken impression that money is the deciding factor in the elections in the eleventh Wisconsin congressional district. Knowing as I do that the regular, stand pat, orthodox Republican organization in my district did its level best to defeat me in the primary and later in the general election; aided and abetted by the regular, orthodox, stand pat, Republican congressional committee, of which the gentleman from Indiana is spokesman and the guiding genius, and by every Coolidge and Dawes Club, both State and county, working in my district; in the light of these facts I do not believe any sane man will contend that I was bound to stomp the United States with peons of praise for them.

And now let me present to these self-constituted exponents and disciples of party regularity the finish of this political episode. In January, 1925, my Republican opponent of the

primary, who is himself a personal acquaintance of long standing and a fine gentleman, and who for years was, with myself, a staunch supporter of Senator LA FOLLETTE and the progressive cause in Wisconsin, was appointed by the present administration to the office of prohibition-enforcement officer for the State of Wisconsin. Many Republican voters in my district believe that Mr. Nye was given this recognition at the hands of the present Republican administration at Washington because of his work and activity in behalf of my Democratic opponent in the general election last fall. I will leave this to speak for itself. This question is bound to intrude itself and is being discussed openly by the Republicans of my district. "Just what service did Mr. Nye render to the Republican Party that earned for him this recognition and appointment at the hands of the Coolidge administration?" Was it when he ran against me in the primary on funds partially furnished, according to his own sworn statement, by the organization controlled by the gentleman from Indiana, Mr. Wood, or was he rewarded for his service in supporting my Democratic opponent in the general election?

I do not condemn the Republican leaders for this effort to purge the party of its progressive elements. On the contrary, I compliment them on their action in thus making clear to the people of America that the Republican Party represents only those who subscribe to and believe in reaction, and that it has no desire or intention of allowing within its ranks representatives holding any other political views. How much franker it would have been for the Republican leadership to have made that announcement in advance of the last election. Such evasion and subterfuge can only be found in the party's attitude toward the Mellon tax plan in the last Congress when the party leaders openly championed this measure in the House, then accepted the "Progressive," renamed "Longworth compromise," bill, evaded the issue at the national convention, lauded it as an administration achievement during the campaign, and now seek to finish and destroy the legislative effectiveness of the progressive members of the party that made the legislation possible. I will frankly confess myself too old-fashioned morally and mentally to follow the Republican leadership when engaged in such political gymnastics.

The voters of the United States, and most of the civilized world, tired of the war and continued threats of turmoil and trouble, in the elections last year voted into positions of power the party that seemed to offer them the greatest hope for public rest and peace. It would appear that the Republican leadership in the House and in the Nation has misconstrued this vote. They appear to construe the action on the part of the people of the United States as an expression of popular approval of all the reactionary elements and principles within the party, and that they alone under its mandates would grant further extensions of special privilege and monopoly. In short, they feel possessed of a mandate to further exploit and economically oppress those whose confidence they then inspired.

As for myself, I do not so construe the results of that election. I can not help recalling the controlling factors and influences that prevailed during the last few days preceding the November election. When the political threats of "Coolidge or starve" were whispered along the streets, while the farmers were being told to "Vote as I tell you, or I foreclose," and the laboring man was given written notice to "Vote right" or be without a job; while "Coolidge or chaos" was being thundered from the platforms, pulpits, and the press, I can not see how the result of an election held under such conditions can give rise to but one thought on the part of Republicans or other citizens of America, and that is, the determination to see that it never happens again. Now that the heat of the campaign is over, I submit to the Republican Party leaders and Members of this House that those responsible for that part of the last national campaign, to the extent that they were successful and in the manner and methods used, violated the very spirit of the Constitution and defied every supporter of the cause of free Government in America. The very audacity of the move, organized and financed as it was, insured its success to a more or less degree. I can not conceive how any man or group of men can, if they love the United States, its free institutions, and its people, initiate or tolerate such a European scheme as to attempt to deprive the people of this country, through coercion and force, of the free exercise of the most precious right any free citizen can have, "the power to choose his or her government and its officers by the ballot." Every believer in human liberty and every exponent of the rights of individuals, regardless of party, should join me in thus condemning the attempt of any man or group of men to thus destroy this heritage. I do not decry this because of the part or factional advantage it may have given in deciding the election, but be-



cause I believe it constitutes a real danger and actual menace to the well-being and future security of the whole Nation.

The history of the Republican Party shows that it came into prominence and secured dominance as the champion of human liberty for the black man. Under Lincoln it earned further respect and support as the defender of the Union. Had its great leader lived, the ill-advised measures imposed upon the stricken South and its defenders doubtless never would have been, and reconstruction and complete reconciliation would have been advanced many years. The party's course during the greenback days was sound, and it remained firm and fair in its support of the Grand Army of the Republic, whose membership furnished its backbone for 40 years. Again, in 1896, the party leaders acted wisely and their action preserved the gold standard to the country. People in the North and in the whole country supported the Republican Party and its principles because they were the soundest and best for the whole country. It was not until 1908, under the leadership of the eminent William Howard Taft, that the influence of the would-be aristocrats began to show itself in legislation and in the administrative weaknesses of the country. Hence came the Bull Moose episode of 1912, and the selfish greed of the Republican capitalist and special-privilege seekers lost their influence. Then came the World War. History seems not to record another such era of profiteering and plundering of the people's credit and cash in all the world as took place during the four years 1917 to 1921. It is openly stated by eminent leaders that it was the desire to protect the European plunder already secured by American financiers and international bankers that caused our entry into the war. However that may be, it must be plain that America and its people has been greatly influenced by the associations made as a result of the war.

Party government, national legislation even to the several States shows effects of that association. The Republican Party through the influence of these newly made rich of the war, as in winning some races, seems to have absorbed all that was bad from its association with Europe and none of the good. Royal princes, titled personages, and aristocrats of Europe are being welcomed in America with open arms. It appears that this country is to be the last haven of rest and security to those who live in wealth and splendor off the labors of their fellow men. Why, only the other day the press of the entire United States vied with itself in doing honor to Grand Duchess Victoria Feodorovna, of Russia, vain, selfish old woman, who in her own country was known to be one of the people's most autocratic oppressors. Many of America's best known political and social leaders feted and dined her and all social climbers aped their actions.

Official Washington welcomed her as royal blood expects itself to be recognized though her government in Russia has disappeared. Under the true American spirit and code she ought to have been received as any other foreign immigrant or citizen. Think of the Republican Party stooping to sponsor such spectacles! I say "shame" when I think that the party Lincoln made great and whose ideals the spirited Roosevelt helped to preserve should be reduced to the position of being the political chariot or reception committee for the aristocratic and titled rich who come to America.

Charge me with disloyalty, I ask you how I can be disloyal to that to which I never subscribed? I detest the very idea of silk-robed royalty and titled personages with a hatred born of the blood of generations who lived and endured in the days of 1776. It is not the individuals, it is their system that I abhor; their claiming to inherit through divine right; their conceited ideas that because it is themselves they can do no wrong. With every voter in the eleventh Wisconsin district I am sure I can say we do not want any royalty or any titles, nor do we need any blooded aristocrats in America.

I offer no appeal for myself; no, not even for my friends and associates, but I do make an appeal for the salvation of the Republican Party; to save it from those who would make it but a political agency to further enhance the swollen fortunes of the profiteer and as a consequence further burden and oppress those already poor and in debt.

Make it conservative if you will, but let it adhere to American ideals, to the American good sense and love of justice. Punish not those who would preserve to the organization and party loyalty all semblance of those party attributes which in the past have won to it general support of all classes under all conditions and without which principles it must inevitably sink into oblivion.

Like three-fourths of the native Americans, I was born of humble parents, raised in a shanty on a homestead, where we lived in close association with poverty and its resulting priva-

tions and hardships. I believe I can safely assure our Republican leaders that regardless of the results shown in the last election and any construction they may be inclined to put upon that result, that the people who cast those Republican votes do not want, nor will they support, a Republican or any other kind of aristocracy in America. Cotton shirt sleeves and overalls, a reputation for Yankee shrewdness, an inherent love of freedom and its institutions, a willingness to vote and of necessity fight for what they believe to be fair and right, these homely ideas and the principles upon which they are based will continue to rule in America, and the Republican Party leaders will do well to adjust their political horoscope to fit the scenery. I hold great respect for the real aristocrat, especially the American kind, for just to the extent that their good breeding and refined tastes and education make them aristocrats, just to that same extent are they able leaders and good citizens, regardless of their condition of birth. But, gentlemen, that is not the kind of aristocracy which influence appears to dominate the Republican Party to-day, nor is it the class against which I would warn anyone. It is those whose greed and desire for wealth and station has so beclouded their reason and judgment that they are no longer able to distinguish between being rich and that of being aristocratic; they believe that the two terms are synonymous, and that to be the first entitled them to be both. All of which would appear to be, and would be, ridiculous were they not able through the powers of their great accumulations of wealth to exert their influence over the party and, consequently, the Government to their own advantage and the injury of our rights as citizens.

A few more words and I am through. I want the Members of the House to understand that I am speaking for no one but myself when I say that the Republican caucus for February 27 will sit until the crack of doom if they wait for me to plead for entrance to their meeting. In reply to the charges made against me as to what I did in support of Senators La Follette and Wheeler in the last campaign, I will say that I have no apologies to make; I am not at all penitent. I did what I thought was right and just and I intend to keep on doing so until the end. If what I did in the last campaign was right, then it matters little whether the Republican leaders approve or disapprove my actions; if my course in the campaign was wrong, then Lincoln's 10,000 angels plus a Republican certificate of meritorious service would not make it right.

In all that I have said it is not my intention to add to or detract from the individual prestige and high personal character of the men who it appeared to me necessary to mention by name. I wish to assure everyone that it is my earnest desire to be ever courteous, fair, and, when possible, friendly, with my colleagues on both sides of the House.

#### HOBOKEN SHORE LINE

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. LAGUARDIA. To make a preferential motion to strike out the enacting clause.

Mr. EAGAN. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from New Jersey rise?

Mr. EAGAN. I have an amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. LAGUARDIA] moves to strike out the enacting clause. The gentleman from New York is recognized.

Mr. LAGUARDIA. Mr. Chairman and gentlemen, the point was stressed last Saturday by the gentleman from New York [Mr. MILLS], who introduced the bill now under consideration, that the necessity of conditions in and around the port of New York requires that this railroad should be operated by a public agency. I want to call the attention of the House to the fact that the railroad is now being operated by a public agency. The United States Government owns all of the stock of the operating company, and the operation of this railroad is now in the hands of the United States Government.

Permit me to call your attention to the fact that the railroad operating revenue for 1924 was \$256,542; that the nonoperating income—interest on the bonds I was talking about, interest on first mortgages, and so forth—was \$78,055. The railroad operating expense was \$256,731, the railroad taxes \$44,878, and the rental for the lease of the railroad—this railroad is under a 99-year lease—was \$31,368. The miscellaneous taxes paid to the various municipalities about which the gentleman from New Jersey [Mr. EAGAN] is naturally anxious amounted to \$44,267.

Only yesterday the officers of this company were before the Interstate Commerce Commission on an application for a rearrangement of their rates.

I am sure that there will be an order of the Interstate Commerce Commission rearranging these rates, and that the railroad can be operated by the present company owned by the United States Government without any loss. Now, gentlemen, if there is a spark of good faith in the belief that this railroad ought to be operated by a public agency, permit me to say that it is now in the hands of a public agency; that it is now successfully operated by men who have the required experience, and that it is well managed and economically operated. The railroad carried 300,487 tons of freight in 1924. The rates are soon to be raised by the Interstate Commerce Commission, and the belt line will then be operated at a profit. Such operation by the United States Government will fully protect every shipping interest, and surely should allay the fears expressed by the gentleman from New York.

In the meantime the city of Hoboken has seriously decided to apply to take this property over, because it involves so much water-front property which is vital to the city of Hoboken. So I believe that if you will strike out the enacting clause and give the Secretary of War an opportunity to continue operations, give the city of Hoboken an opportunity to obtain the necessary legislation to take over the property, I believe it will be a prudent thing to do. We would then be sure of proper and unselfish operation.

Now, permit me to mention a side issue, and that is with reference to this same port authority. Day before yesterday, if you will look at the New York papers, you will see that this port authority issued an order to the New York, New Haven & Hartford Railroad, and to the Pennsylvania Railroad, compelling those two lines to open the Hell Gate Bridge and tracks to the New York Central. That has only happened within 48 hours. Of course, it is very doubtful whether the Port of New York Authority has the power to make any such order, but do you not see how that dovetails in with this whole scheme of giving special consideration to the New York Central?

I pointed out on Saturday that the purpose of this whole thing was to prevent a competing railroad from getting control of the property, that the New York Central and Erie were opposing. Therefore, the port authority should take over this Shore Line property. Within 24 hours the port authority issued an order to the New York, New Haven & Hartford Railroad and to the Pennsylvania Railroad that the Hell Gate Bridge, which cost several million dollars, one of the greatest engineering projects of the whole world, should be opened to the New York Central. All of this clearly points out the great influence which these railroad companies seem to have over the port authority and we hear talk of "public agency and the public good." Gentlemen, I assure you the public will get very little good out of this proposition.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LAGUARDIA. I ask for five minutes more.

Mr. SNELL. On a motion to strike out the enacting clause there is only one speech in favor and one against.

The CHAIRMAN. That is true, unless by unanimous consent. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAGUARDIA. I pointed out on Saturday how the whole idea was in keeping with the best interests of the big railroads in my State.

Mr. MILLS. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. MILLS. Why does not the gentleman inform the House that the port of authority is opposed to the city administration plan to turn over the West Side to the New York Central?

Mr. LAGUARDIA. When the port of authority will oppose something the New York Central really wants, I will build a monument to the gentleman from New York.

Mr. MILLS. Does not the gentleman know that a brief has been filed and that they are opposing it?

Mr. LAGUARDIA. If the gentleman wants to go into the whole West Side story I am ready to go into it. Permit me to remind the gentleman that when he was in the State senate on the question of abolishing the tracks on the West Side I do not know of any record which the gentleman from New York established to help the city of New York in its fight against the New York Central.

Mr. MILLS. Will the gentleman answer this question. Is he for or against the New York Central on the West Side proposition?

Mr. LAGUARDIA. The gentleman knows how I stand on that; my record in the city government was displeasing to the gentleman and to the New York Central.

Mr. CHINDBLOM. There are some of us who are not from New York who would like to know where the gentleman stands. [Laughter.]

Mr. LAGUARDIA. I will say, and repeat, what I said Saturday that the New York Central is absolutely back of this proposition. Now, responding to the passionate appeal made by the gentleman from New York [Mr. MILLS] for Government operation on this road, why not leave it in the hands of the Government operation, leave it in the hands of the Secretary of War where it is now? Permit him to get increased rates which will be granted, and permit him to operate it in the interest of the public, and let the city of Hoboken have an opportunity to protect its water front. It is the very life of Hoboken. Let the matter stand as it is by striking out the enacting clause.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Is it not unusual to find the gentleman from New York [Mr. MILLS] advocating Government ownership and operation?

Mr. LAGUARDIA. Yes. I pointed that out on Saturday. There is nothing mysterious about this. I can not make it any clearer; that it is now in the hands of a Government agency; that it is in the hands of men who have had railroad experience, is being successfully operated, and let them continue to successfully operate it. Strike out the enacting clause, and by the time we return here you will see that the question will take care of itself. Let us show the big railroads that they can not write legislation and expect us to be mere rubber stamps for them.

Gentlemen, I realize exactly what I am up against. I fully understand how many of my colleagues viewing this matter from a distant perspective are inclined to believe that the port authority is a good thing and a proper agency to take over this belt line. With the limited time allowed by the rule under which we are considering this bill it was impossible perhaps to review all of the history and the local political atmosphere surrounding the port authority. You are not familiar and can not be expected under the stress of the last few days of a session and in the consideration of a bill limited to one-hour debate to acquaint yourselves with the many selfish interests—railroad, trucking, real estate; yes, real estate promotions—and many others that are back of this port authority. You can not grasp under these conditions the local significance of this port authority. It has been intimated that the city administration of New York City is opposed to the port authority. No doubt it is now. It was during my time as president of the Board of Aldermen of New York City. Every man here who would have been in my place would likewise have been opposed to it. I will not bore you now with our local troubles in New York City in opposing the port authority and protecting hundreds of millions of dollars worth of valuable dock property. Suffice to say that if the city administration had not been on the alert by insisting and fighting for the city property we would not have succeeded in writing into the very law that created this port authority that it could not take city property and that it could not pledge the credit of the city of New York or of the State. Gentlemen, to-day when you vote for this bill you will be giving to the port authority the first piece of property it has ever had. It has tried time and time again to beg or borrow property—it never had money to buy it—from municipalities, from the States, from private sources, no one, nowhere could it get a piece of ground, a railroad tie or a dollar's credit. Do not believe for a moment gentlemen that I alone am opposing this proposition. Why the leading Republican newspaper of the State of New York, the Brooklyn Standard Union, has fought it from the very beginning, and is fighting it to-day. Many prominent Republicans and Democrats have fought it and are fighting it to-day. The gentleman from New York, Mr. BOYLAN, who was in the State senate at the time the first port authority bill was passed, and who knows all about it, has taken a courageous stand and is openly fighting this bill to-day. My colleague from New York, Mr. O'CONNELL, who is a business man of many years' experience, who understands conditions in New York City, who has made a study of municipal affairs, is opposed to this bill, and fighting it. I referred the other day to the telling statement made on the floor in opposition to this bill by an expert on traffic conditions in New York, my colleague, Mr. CLEARY. Gentlemen, I have had sufficient legislative experience to realize that I am fighting against odds. I have given you the information and as



much of it as the limited time would permit. I deem it my duty to do so. If this bill passes I predict, gentlemen, that you will hear from the port authority again. You have adopted a child here that is going to be troublesome. It will soon come back to us, and at that time I reserve the right now to remind you that I did everything within my power to prevent the United States Government from going into partnership or rather to be the angel for this agency created by two States without property, without credit in its own home, and for years being unable to obtain credit or property from the people who know them so well.

Mr. MILLS. Mr. Chairman, I rise in opposition to the motion. If there is anything that is discouraging in legislative debate it is to see a Member continually wandering from the subject, attempting to inject matters which have nothing to do with the pending issue, and when short of argument and facts indulge in personalities and abuse. I did not answer the personalities indulged in by the gentleman from New York [Mr. LA GUARDIA] on Saturday last, because I believed that when he had a chance to correct the RECORD, good sense and taste would induce him to correct some of the remarks he made. But evidently I overestimated the good taste and sense of the gentlemen. He did not correct it. As to what he may say about me and my motives, I am not interested. My public record is sufficiently well established so that anything that the gentleman from New York can do or say will not affect it one way or the other, particularly among those who know the gentleman from New York and who know me. But he did refer to an honorable gentleman, an honorable and high-standing member of the bar, Mr. Julius Henry Cohen, in indefensible terms, all the more indefensible because Mr. Cohen was not here to protect himself and had no means of protecting himself. He referred to him as a shyster lawyer. The members of the bar of the city of New York know that that is untrue, that it is unfair; but for the benefit of the record and for the benefit of Members who do not know Mr. Cohen, I say that Mr. Cohen is a man of recognized character, ability, and standing in the city of New York, and of very high standing indeed at the bar of the State. I can not attribute any reason for the remarks of the gentleman from New York [Mr. LA GUARDIA], save that the one thing that galls and irritates mediocre and little men above all else is ability and character in others.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I can not yield.

Mr. LA GUARDIA. I yielded to the gentleman.

Mr. MILLS. The gentleman from New York says that this road is being operated by a public agency, and why change? The port authority says, "We are quite satisfied to have this road operated by the Secretary of War or the Shipping Board." The port authority urged the Government of the United States to turn this railroad over to the Shipping Board for operation in connection with the piers. The port authority, as I shall make clear later, is willing to-day to withdraw its offer in favor of the city of Hoboken. But the trouble is that the Federal administration says that it wants to dispose of this property and that it does not propose to continue the Secretary of War in the railroad business, operating a mile and a quarter of tracks. For reasons best known to itself the Federal administration does not see fit to adopt the suggestion of the port authority that the railroad be turned over to the Shipping Board, so that the question arises, since the Federal Government is going to dispose of this property, to whom is it going to dispose of it?

The position which I take, the position which the port authority takes, the position which the advocates of this bill take is, turn it over to any public authority, whether it be the State of New Jersey, the city of Hoboken, or the port authority. The trouble to-day is that the city of Hoboken has not the legislative authority necessary to permit it to take the railroad over, and that of course is true of the State of New Jersey.

Mr. EAGAN. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes.

Mr. EAGAN. The gentleman knows I take it that legislation is pending to give us that authority.

Mr. MILLS. I was about to state that legislation is at present pending in the Legislature of the State of New Jersey authorizing the city of Hoboken to acquire this property, and I am authorized on behalf of the port authority to state—and I have a telegram from the chairman giving me that authority—that if this bill passes the port authority will leave its offer to the Secretary of War open, subject to the ability of the city of Hoboken to make a satisfactory offer to the Secretary of War.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MILLS. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Yes.

Mr. DENISON. Will the gentleman then be willing to have the bill so amended as to leave that discretion in the Secretary of War?

Mr. MILLS. I looked into that question very closely yesterday, with a view to preparing such an amendment, and it is very clear to me that no such amendment is needed. In other words, this is the situation. The Secretary of War to-day, and certainly under the terms of this bill that will be true, has authority to sell to the city of Hoboken. The port authority says—and I shall put the telegram in the RECORD, and in any event I state it in their behalf for the RECORD—that it will withdraw its offer to purchase the day the Secretary of War reaches a satisfactory agreement with the city of Hoboken to acquire this property. So that our position is just this. We insist that the good of the people of the city of New York and of the Nation demands that this little railroad remain in public hands, and that it not be sold to any railroad, whether the Lackawanna, the New York Central, or the Erie.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I can not yield just now. The gentleman from New York [Mr. LA GUARDIA] in an effort to cover up his advocacy of the sale to the Lackawanna Railroad has dragged in two other railroads. No one has ever heard of them in connection with this proposition until the gentleman from New York [Mr. LA GUARDIA] attempted to draw a red herring across the trail. I have never heard that the New York Central Railroad was interested in this proposition. I have never heard that the Erie was interested in it; I have never heard that the Lehigh Valley was interested in it, nor have I ever heard of a single railroad that objected to the Lackawanna acquiring this road until the gentleman from New York, in order to confuse the issue, tried to change what is an issue between public control of this utility and private control into a quarrel between railroads, without submitting to the House one bit of evidence to sustain his position.

Mr. LA GUARDIA. Mr. Chairman, will the gentleman now yield?

Mr. MILLS. Yes.

Mr. LA GUARDIA. The gentleman made reference to what I stated about the counsel of this port authority. The gentleman knows that before the committees of the legislatures and before the city government—

Mr. MILLS. Oh, I yielded for a question and not for a speech.

Mr. LA GUARDIA. That this gentleman made absolute assurance that the State of New York would not be called upon to meet any deficit of the port authority, and I call the gentleman's attention to the testimony of Mr. Cohen before the House committee, on page 17 of the hearings, in which this same gentleman, whom the gentleman from New York is now protecting, speaks as follows:

In addition to that we must not forget that the port authority is the official governmental representative of the States of New York and New Jersey, and a deficit of \$1,000,000 in any year is not enough to break the States of New York and New Jersey. They would have to meet the problem as to whether or not the port authority should have an appropriation to make up that deficit. We do not like to talk about that.

Is that an honorable position to take?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRISP. Mr. Chairman, I ask that the gentleman's time be extended for five minutes, if he desires it.

Mr. MILLS. I thank the gentleman from Georgia; I do not think that that question requires an answer.

Mr. MOORE of Virginia. Will the gentleman yield for a question—

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. MOORE of Virginia. As I understand from the gentleman, the port authority does not involve any private interests whatever?

Mr. MILLS. No. The port authority is a creation of the States of New York and New Jersey and consists of a commission of six members appointed by the governors of the two States to cooperate in the development of the port of

New York under a treaty ratified by the Congress of the United States.

Mr. MOORE of Virginia. Does not the gentleman think that the acquisition of this so-called belt line by the port authority would be preferable to the acquisition by any private interests or by the city of Hoboken?

Mr. MILLS. I am inclined to believe that that is so, but it seems to me that if the city of Hoboken requires this little stretch of railroad, and then in addition to that is in a position to negotiate with the United States Government for the purchase of the old German pier, a very satisfactory solution will have been reached, because the city of Hoboken will then be in a position to operate the railroad in connection with those piers, and that is the best form of operation from the standpoint of operating efficiency.

Mr. EAGAN. I would like to say that is the main purpose of the city of Hoboken in acquiring the shore road or seeking to acquire it—the question of taxes and the getting of the pier properties as well as this little connecting railroad.

Mr. BOYLAN. Will the gentleman yield?

Mr. MILLS. I will.

Mr. BOYLAN. For a question. Is it not a fact that in the appointment of the three commissioners from the State of New York that the city of New York, owning all the water front, has nothing to say about the designation or appointment of any of the commission?

Mr. MILLS. I would say to the gentleman what I have already said, that the commissioners are appointed by the governors of the States, and the city of New York to-day has no particular kick, because one of its most distinguished sons happens to be governor.

Mr. BOYLAN. That does not happen to answer the question. The gentleman does not answer the question. The city has absolutely no voice in the appointment or designation of any of the commissioners.

Mr. WAINWRIGHT rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WAINWRIGHT. In opposition to the amendment.

The CHAIRMAN. There is no further debate in order except by unanimous consent.

Mr. WAINWRIGHT. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WAINWRIGHT. Mr. Chairman, the only question in the mind of the Committee on Military Affairs, to which this bill was referred, was the one of public policy, whether it was preferable that the War Department should continue to hold and operate this road which it did not need or should turn it over to another public agency for operation in the general public interest, and the Port of New York Authority appeared to the committee to be the appropriate public agency, not only from the standpoint of the shippers of New York, but the shippers of all the country for the handling of this road in the interest of all the commerce of that port and all the commerce of the country. That is all there is to this proposition. The Shipping Board has been referred to here. The Shipping Board heartily indorses the proposal to turn this over to the Port of New York Authority. Further, I submit, gentlemen, with all due deference to the gentleman from New Jersey, who speaks here for the city of Hoboken, that the Port of New York Authority, representing all the municipalities and all the interests that go to make up the port of New York, is a more appropriate public agency to operate this road than the city of Hoboken, which is but one of the municipalities concerned.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from New York to strike out the enacting clause.

The question was taken, and the motion was rejected.

Mr. EAGAN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 1, line 5, after the words "sell to," strike out the balance of the line and all of line 6 and the words "of War," at the beginning of line 7, and insert in lieu thereof the words "the city of Hoboken."

On page 1, line 9, after the word "Road," strike out balance of the line and all of lines 10 and 11 on page 1.

On page 2 strike out all of lines 1, 2, 3, and 4 and the word "Congress" at the beginning of line 5.

On page 2, lines 6 and 7, strike out the words "Port of New York Authority" and insert the words "city of Hoboken."

On page 2, lines 23 and 24, strike out the words "Port of New York Authority" and insert the words "city of Hoboken."

On page 3, lines 4 and 5, strike out the words "Port of New York Authority" and insert the words "city of Hoboken."

On page 4, line 12, after the word "same," strike out the colon, insert a period, and strike out the balance of the line and all of lines 13 to 21, inclusive, so it will read:

"Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, for such sum and on such terms and conditions as he may deem best, to sell to the city of Hoboken the stock of the Hoboken Manufacturers' Railroad Co., said corporation being the lessee of the line known as the Hoboken Shore Road; and the Secretary is authorized and empowered to take and accept in lieu of cash the bonds of the said city of Hoboken, secured by such lien as the Secretary in his discretion may determine is proper and sufficient; and upon such acquisition the said railroad shall continue to be operated in intrastate, interstate, and foreign commerce and in accordance with the provisions of the said comprehensive plan for the development of the port and the improvement of commerce and navigation: *Provided*, That the operation of said railroad in intrastate, interstate, and foreign commerce shall be subject to the jurisdiction of the Interstate Commerce Commission in the same manner and to the same extent as would be the case if this act had not been passed: *Provided further*, That the Secretary shall attach such conditions to such transfer as shall insure the use of such railroad facility by the United States in the event of war or other national emergency: *Provided further*, That in order to facilitate the interchange of freight between rail and water facilities, such railroad, if acquired by the city of Hoboken hereunder shall be operated in coordination with the piers and docks adjacent thereto so long as said piers and docks are owned and operated by the United States Government or by any agency thereof, or by any corporation a majority of whose stock is owned by the United States: *Provided further*, That if the city of Hoboken fails to agree upon terms and conditions of sale which are considered satisfactory by the Secretary of War, he is hereby authorized to sell and dispose of the stock of the Hoboken Manufacturers' Railroad Co. or all or any part of the real and personal property of the Hoboken Manufacturers' Railroad Co. to any purchaser or purchasers upon such terms and conditions as he may deem best, subject, nevertheless, to the provisos herein above stated: *Provided further*, That if the Secretary of War shall deem it to be in the public interest that any real or personal property owned by the said Hoboken Manufacturers' Railroad Co. not connected with the railroad itself should be separately disposed of or held for later disposition, he is hereby authorized to cause such property to be transferred from the said Hoboken Manufacturers' Railroad Co. to the United States, and thereafter to sell the same upon such terms as he deems best, or if more expedient, he is hereby authorized to form a corporation to acquire such property, and is authorized to cause such property, or any part thereof, to be transferred from the said Hoboken Manufacturers' Railroad Co. to such new corporations so organized and to accept in place thereof the stock of such new corporation, and to hold the same until such time as he secures what he shall deem to be a fair and reasonable price for such property, at which time he is authorized to sell said property in whole or in part or the stock in the said new corporation to which such property is transferred on such terms and conditions as in his judgment will best promote the public interest, and the Secretary of War is further authorized to make and impose any terms, conditions, or reservations necessary to effectuate the purpose hereof, and to enter into such contracts as will effectuate the same."

Mr. MILLS. Mr. Chairman, I make a point of order against the amendment on the ground that it is not germane under Rule XVI, where it is provided that an individual proposition may not be substituted for another individual proposition, even though they may belong to the same class. The object of the amendment is to substitute the city of Hoboken for the New York Port Authority.

Mr. EAGAN. Mr. Chairman, the purpose of this bill is to authorize the Secretary of War to dispose of the stock of the Hoboken Manufacturers Railroad Co. There are other propositions in the bill—propositions affecting taxes and propositions affecting other property—which is not to be turned over to the Port of New York Authority.

It seems to me, Mr. Chairman, that it is in order to offer an amendment to the effect that this property should go to the city of Hoboken, and particularly since the gentleman from New York has already stated that the Port Authority of New York would withdraw its offer, and in that way permit the city of Hoboken, if it can secure the necessary legislation from the New Jersey Legislature—and I believe it can—to acquire the property. I think this technical objection ought not to be raised, Mr. Chairman, and I think the point of order should be overruled.



Mr. LAGUARDIA. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. LAGUARDIA. The purpose and intent of the bill is not to dispose of this property, because the Secretary of War has authority to dispose of this property under existing law. The sole purpose of the bill is to authorize the Secretary of War to accept bonds instead of cash.

Now, if there were any amendment that would change that intent, clearly it would not be germane under the rules of the House. But the amendment of the gentleman from New Jersey [Mr. EAGAN] does not disturb the real purpose of the bill, to wit, to so change existing law as to permit the Secretary of War to accept bonds instead of cash, but simply substitutes the agency that is to issue the bonds for the property in question. I submit that does not change the purpose of the bill by substituting the city of Hoboken for the New York Port Authority. It permits the property to be disposed of. It does not change the property of the "Hoboken Railroad" and put in "the ferry from Norfolk." If it were to authorize paper money of a foreign country, it would be different. But it leaves undisturbed the very purpose of the bill, and that is to permit the Secretary of War to accept bonds, which he has not power to do under existing law, and it permits him simply to accept the bonds of the city of Hoboken instead of those of the Port Authority of New York.

The CHAIRMAN. The Chair must admit that the question raised here is not as clear or as free from doubt as he would like to have it. It is the general rule and well established that to one specific proposition another may not be added by way of amendment, because it would not be germane to the original specific proposition. The rule as to germane amendments is that "no proposition on a subject different from that under consideration shall be admitted under color of an amendment." The question always arises as to what is the "subject under consideration," as these terms are used under the rule. The case in hand is not clear, because there are a number of substantive elements entering into it. After such casual examination as the Chair has been able to give to the question it would seem that the subject matter under consideration in the bill is the disposition of certain property and the acceptance therefor of bonds instead of cash. The proposed amendment makes no substantial change in this regard. It therefore seems to the Chair that this is not a new proposition on a different subject, since it only substitutes one proposed recipient of the property for another. In effect, it is the striking out of one person or one entity and inserting in place of it another.

The subject matter of the bill being to dispose of certain property and to authorize the Secretary of War to accept a certain kind or character of security for the property, the amendment would strike out the port of New York as the recipient and insert the city of Hoboken. The subject under consideration remains the same, and even the manner of its disposition remains substantially the same, except as to the one to whom the disposition is made. It seems to the Chair that this alone is not sufficient to bring the amendment under the prohibition of the rule. The Chair, therefore, overrules the point of order.

Mr. EAGAN. Mr. Chairman, the purpose of the amendment is to permit the city of Hoboken to acquire the stock of the Hoboken Manufacturers' Railroad Co., the corporation which owns the lease of the Hoboken Shore Road.

Now, gentlemen of the committee, one of the reasons why Hoboken is so vitally interested in this proposition, as I stated on Saturday when the bill was up under general debate, is that Hoboken has lost upward of \$3,000,000 in taxes on the pier properties, which adjoin the railroad property. It is generally agreed, and in the report of the port authority dated January 24, 1925, it is asserted repeatedly that the railroad property and the pier properties should be in one undivided ownership. That is an additional and a very important reason.

The purpose of my amendment is to get for the city of Hoboken the shore railroad property. The chief purpose which Hoboken has in mind in acquiring this shore railroad is that it hopes ultimately to also acquire the pier properties.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. EAGAN. I yield to the gentleman.

Mr. BRIGGS. Your amendment does not contemplate any acquisition of the pier property at this time?

Mr. EAGAN. No.

Mr. BRIGGS. It is now owned by the United States, is it not, and operated by the Shipping Board?

Mr. EAGAN. The pier properties are operated by the Shipping Board, but the title is vested in the United States; and

that is the reason why we have not been getting our taxes on the piers for six years.

Mr. BRIGGS. Why did the Shipping Board take this over?

Mr. EAGAN. It was provided under the merchant marine act that the Shipping Board, as the proper commercial agency of the Government, should operate the piers.

Mr. BRIGGS. Why did it not acquire the railroad?

Mr. EAGAN. I do not know. The War Department, of course, has the railroad now.

Mr. BRIGGS. I thought it was stated on the floor of the House that the War Department did not favor turning it over to the Shipping Board, and that the Shipping Board wanted some other municipality or the port authority to acquire it.

Mr. EAGAN. The port authority is willing, and the gentleman from New York [Mr. MILLS] will bear me out, that the property be given to the city of Hoboken, and that is the sole purpose of my amendment.

Mr. WAINWRIGHT. Will the gentleman give way for one question?

Mr. EAGAN. Yes; a brief question.

Mr. WAINWRIGHT. I am sure the gentleman does not wish to mislead the committee. Is it not a fact that all of the municipal taxes which have been levied on this railroad have been paid to the city of Hoboken and that what the gentleman was referring to as a loss of taxes was on the piers?

Mr. EAGAN. Yes. That has been stated repeatedly and I thought I had made that clear.

Gentlemen, I hope this amendment will prevail. I want to call attention to the specific commitment of the port authority as to this question of Hoboken acquiring the Hoboken Shore Line Railroad—and ultimately the piers. In its report, dated January 24, 1925, which I have here in my hand, on page 26, the port authority says:

The United States Shipping Board has requested that the Hoboken Shore Line Railroad be transferred to its possession. The port authority is in hearty accord with this request; it suggests, as alternatives, the acquirement of the terminal railroad and piers by the city of Hoboken, by the State of New Jersey, or by the port authority in its bi-State and Federal capacity, in order to develop a modern combined ocean and rail steamship terminus, under public control, and to prevent the development at this point of a private and exclusive terminal which would add to the mounting costs of doing business at New York.

Then on page 24 of the report I find this language:

This railroad at Hoboken—

That is, the Hoboken Shore Line—

together with the piers formerly owned by the Hamburg-American and North German Lloyd Companies, now held by the Shipping Board, forms the most important direct rail to steamship communication at the port of New York now in public hands. The port authority maintains that it should be kept in public hands; it does not insist that the port authority become the owner.

Now, I can not understand, in view of this language, why there has been all of this agitation and all of this pressure about getting this bill through in this particular form. I submit that the proper thing to do is to adopt the amendment I have proposed, in order that the city of Hoboken may get the property.

Mr. McKEOWN. Will the gentleman yield?

Mr. EAGAN. Yes.

Mr. McKEOWN. The proposition here is to acquire the stock of this railroad?

Mr. EAGAN. Yes.

Mr. McKEOWN. Does that railroad own, control, or have anything to do with these piers?

Mr. EAGAN. No; it has nothing directly to do with the piers, but the railroad connects with the pier properties, and the ownership of the two properties ought to be in one hand.

Mr. McKEOWN. The gentleman's idea is that Hoboken ought to own the stock of the railroad company?

Mr. EAGAN. Yes. And legislation to that end is pending now; that is, giving Hoboken authority to issue bonds without respect to the debt limit.

Mr. LINTHICUM. Will the gentleman yield?

Mr. EAGAN. Yes.

Mr. LINTHICUM. Suppose the city of Hoboken does not purchase this property, under the gentleman's amendment would the port authority have the right to purchase it?

Mr. EAGAN. Not under my amendment, but if my amendment is adopted, the proponents of the bill can offer an amendment authorizing the Secretary of War, if Hoboken does not purchase the property, to sell it to the port authority. If the port authority could sell its bonds and offer cash for the prop-

erty the Secretary of War, under existing law, could sell the Hoboken Manufacturers' Railroad Co. to the port authority, or to anyone else who offers cash for the property. I want to say, in answer to the gentleman from Maryland [Mr. LINTHICUM] that Hoboken is willing to lease the railroad, after it acquires it, to the port authority.

Mr. LINTHICUM. But they might not be able to agree on terms with the War Department; they might not come together on terms.

Mr. EAGAN. I think they will be able to do that. Let me say that the city of Hoboken is ready to match the offer made by the port authority and is willing to go further. The city of Hoboken is ready to sell its own bonds and turn over the cash to the War Department, and to that extent, I submit, its offer is much better than the offer of the port authority to give its 4 per cent bonds.

Mr. McSWAIN. Will the gentleman yield?

Mr. EAGAN. Yes.

Mr. McSWAIN. I am very much in sympathy with the amendment the gentleman has offered.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent that the gentleman have three minutes more.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the gentleman from New Jersey may proceed for three additional minutes. Is there objection?

There was no objection.

Mr. McSWAIN. Would it not be fair to put a time limit in the bill within which the city of Hoboken might deal with the War Department as to this property, so that at the end of that time if another act of Congress should be necessary to enable the port authority to acquire it we might go ahead and pass another act?

Mr. EAGAN. What is the gentleman's thought about the time limit?

Mr. McSWAIN. I should say December 1, 1925. I should think that would be sufficient time.

Mr. EAGAN. I should think they ought to have a longer time than that. Probably one year's time should be sufficient.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. EAGAN. Yes.

Mr. FAIRCHILD. Why should not the gentleman from New Jersey bring in an amendment in alternative form, providing for negotiations on the part of either the port authority or the city of Hoboken, so that if the city of Hoboken fails to get the power which it does not have at the present time it will still be possible for the port authority to purchase the property.

Mr. EAGAN. I think the gentleman from New York [Mr. MILLS] answered that question, and if my amendment is agreed to, the gentleman, or any other gentleman interested, can move as an alternative proposition to amend the bill so that the port authority may acquire it if the Secretary of War and the city of Hoboken do not agree as to terms.

Mr. FAIRCHILD. Is it not true, if the gentleman's amendment is agreed to and the State of New Jersey fails to give the necessary power to the city of Hoboken, that then the only alternative would be to sell to the Lackawanna Railroad?

Mr. EAGAN. I do not think so, and I am sure we can trust the Secretary of War. If these great results are going to flow to all of the country I do not think the Secretary of War would sell to any railroad corporation if by so doing he would defeat the plans of the port authority.

Mr. FAIRCHILD. But the door would be closed both to the port authority and to the city of Hoboken.

Mr. EAGAN. Is not the gentleman willing to trust the Secretary of War?

Mr. FAIRCHILD. Yes. But my question is: Why not have your amendment include both the port authority and the city of Hoboken?

Mr. EAGAN. I would suggest that the gentleman vote for my amendment and then offer the other amendment he is talking about, and I will support it.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. MILLS. Mr. Chairman—

Mr. O'CONNOR of New York. Will the gentleman yield before he begins his statement?

Mr. MILLS. Very gladly.

Mr. O'CONNOR of New York. Will the gentleman explain how this proposition can be carried out in view of public resolution 66 of the Sixty-seventh Congress, which approved the comprehensive plan wherein route 13, this specific railroad, is included within the port authority development? How can Congress now take it out of that development by means of the amendment to the bill which is now offered?

Mr. MILLS. I will answer that in this way. Very obviously, if the port authority can not acquire it by reason of the fact that the Secretary of War sells to some other party, it is not in a position to carry out the comprehensive plan; but, as a matter of fact, I also want to point out to the committee if this amendment is adopted for all practical purposes this bill is dead.

The gentleman from New Jersey [Mr. EAGAN] has not confined himself to suggesting that the Secretary of War may sell to the city of Hoboken or the port authority. The gentleman has taken out the words "port authority" entirely and substituted the words "city of Hoboken." It so happens the city of Hoboken to-day has not the legal authority to buy this property. If the legislature of New Jersey refuses to grant the authority, the city of Hoboken can not buy, irrespective of what we write in this bill.

Mr. FAIRCHILD. Will my colleague allow an interruption?

Mr. MILLS. Let me finish this statement first. On the other hand, if we strike out the words "port authority" the Secretary of War will not have the authority to sell to the Port of New York Authority of the States of New York and New Jersey. The result will be Hoboken can not buy under her own law, the port authority can not buy under the laws of the United States because we have refused the authority to the Secretary of War. Whom can he sell to therefore—some private corporation?

Mr. McSWAIN. Will the gentleman yield?

Mr. MILLS. Yes.

Mr. McSWAIN. Did the gentleman know when he was making his remarks a few moments ago that the city of Hoboken had no authority under her charter to buy?

Mr. MILLS. Yes; but I want to say to the gentleman—

Mr. McSWAIN. Would it not be fair then, in conformity with the previous remarks of the gentleman, to offer an amendment to the amendment of the gentleman from New Jersey putting it in the alternative?

Mr. MILLS. I want to say to the gentleman, very frankly, that I worked yesterday on that very proposition and I am absolutely satisfied it is not necessary. In other words, I am absolutely satisfied that as this bill is drawn to-day the Secretary of War, if the port authority withdraws, may sell to the city of Hoboken.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. MILLS. Yes.

Mr. O'CONNOR of New York. Is it not also a fact that if this bill were passed, the Secretary of War could also sell to the city of Hoboken?

Mr. MILLS. Unquestionably, and the city of Hoboken is amply protected because I have here a telegram from the chairman of the port authority stating that if the city of Hoboken gets authority from the Legislature of the State of New Jersey, it will withdraw its offer in favor of the city of Hoboken, and it seems to me, in view of that statement, the wise thing for my friend, the gentleman from New Jersey, to do is to withdraw his amendment, rather than insist on an amendment which will destroy the bill and which two or three months from now may result in compelling the Secretary of War to sell to a private corporation, for which situation my friend from New Jersey would find himself entirely responsible.

Mr. BOYLAN. Will the gentleman yield?

Mr. MILLS. I yield to my colleague from New York.

Mr. BOYLAN. Is it not a fact that at the present time the Secretary of War could sell this railroad to the port authority for cash?

Mr. MILLS. Yes; I think that is true, but the Secretary of War does not believe he is justified in accepting the only offer that has been made by the port authority, and that is to sell for bonds.

Mr. McKEOWN. Will the gentleman yield there?

Mr. MILLS. Yes.

Mr. McKEOWN. In selling the stock of this railroad, will the Secretary of War hold a lien on that stock or will he just take the bonds of the port authority?

Mr. MILLS. I assume, of course, that in order to amply protect the United States Government, the Secretary of War will take all of the stock as collateral security.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent that the gentleman may have one additional minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McSWAIN. I would like to ask the gentleman this question. If the gentleman from New Jersey [Mr. EAGAN] should withdraw the amendment now pending, would the gentleman from New York oppose a proviso at the end of the bill



as it is now printed to this effect: *Provided*, That the Secretary of War is hereby authorized to sell to the city of Hoboken within the period of one year from the passage of this act upon the terms herein before authorized to be sold to the New York Port Authority.

Mr. MILLS. I want to say to the gentleman I do not oppose it in principle; I am in favor of it.

Mr. McSWAIN. Exactly.

Mr. MILLS. But I am very reluctant to see any bill amended in a haphazard way on the floor of the House because we are never in a position to know whether we are amending it correctly or what new situations we are creating.

In principle I agree with the gentleman. I spent a large part of yesterday considering that same proposition, and I want to say to the gentleman I concluded that that is not necessary, because the Secretary of War to-day has authority to sell to the city of Hoboken.

Mr. McSWAIN. Exactly; but what assurance have we if this bill passes; the port authority will stand aside and let the Secretary of War sell to the city of Hoboken?

Mr. MILLS. I want to say to the gentleman that I have a telegram here from the chairman of the port authority agreeing to stand aside.

Mr. McSWAIN. For how long?

Mr. MILLS. They will wait, I assume, until the Legislature of the State of New Jersey adjourns.

Mr. McSWAIN. I just wanted it to be definite.

Mr. MILLS. It is absolutely definite.

Mr. LAGUARDIA. Is that telegram in the RECORD?

Mr. MILLS. I will put it in the RECORD at this point.

The telegram referred to follows:

NEW YORK, N. Y., February 16, 1925.

Congressman OGDEN L. MILLS,

House of Representatives, Washington, D. C.:

You may say in connection with your bill that port authority regards its bonds as better than present stock ownership by Government in railroad. If it were not for paramount public interest port authority withdraw its bid. If New Jersey or Hoboken wants to buy the property, port authority will withdraw. Your bill will permit this even if passed. Why is not our assurance accepted in good faith, that if we acquire the property we shall pay local taxes. Efforts to throw discredit upon port authority should be interpreted in the light of prior opposition to its creation by certain individuals who could now seek justify that earlier opposition.

JULIAN A. GREGORY, Chairman.

#### MESSAGE FROM THE SENATE

The committee informally rose; and Mr. SINNOTT having taken the chair as Speaker pro tempore, a message from the Senate by Mr. Craven, its Chief Clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 4548. An act authorizing the Secretary of Commerce to acquire by condemnation or otherwise a certain tract of land in the District of Columbia for enlargement of the present site of the Bureau of Standards; and

H. R. 9095. An act to incorporate the American War Mothers. The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1918. An act relative to officers in charge of public buildings and grounds in the District of Columbia;

S. 3648. An act granting to the county authorities of San Juan County, State of Washington, a right of way for county roads over certain described tracts of land on the abandoned military reservations on Lopez and Shaw Islands, and for other purposes;

S. 3895. An act to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the Battle of Bennington and the independence of Vermont, in commemoration of the seventy-fifth anniversary of the admission of California into the Union, and in commemoration of the one hundredth anniversary of the founding of Fort Vancouver, State of Washington;

S. 3760. An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes;

S. J. Res. 95. Joint resolution to authorize the American National Red Cross to continue the use of temporary buildings now erected on square No. 172, Washington, D. C.; and

S. J. Res. 172. Joint resolution to authorize the appropriation of certain amounts for the Yuma irrigation project, Arizona, and for other purposes.

#### HOBOKEN SHORE LINE

The committee resumed its session.

Mr. WELLER. Mr. Chairman, the proposition which is now before the Congress and before this committee is the proposition that was inaugurated in the Sixty-sixth Congress at the time the Port of New York Authority was created. At that time the bill specifically provided for a comprehensive scheme of transit and freight development of the entire port of New York, taking into consideration the city of New York and its neighbors, and the two rivers, the bay, Staten Island, Long Island, and New Jersey as a part of that development. This scheme was what was known as Belt No. 13, or Schedule 13, in the bill that was passed. Schedule 13 is the Hoboken Railroad. I have great sympathy with the distinguished gentleman from New Jersey. I think his position is one that requires consideration. But, gentlemen of the committee, we in New York have been considering this matter for the last four years, and this amendment at this time may be ill considered. I have not had an opportunity to examine the language of the amendment. I see that no harm can come to the gentleman from New Jersey and his constituents, and especially the city of Hoboken, because the bill is not mandatory on the Secretary of War to recognize the port authority. It is not mandatory on him to sell it to the port authority, but the port authority is in a position not only by reason of study and experience but by the agencies at its demand now to go ahead one step in the comprehensive scheme of four years ago and operate Belt 13.

This is the first step and the amendment that is offered at this time, if I can listen to its reading correctly, is not elaborating this bill in any iota, except that it is intended to insert in the bill the city of Hoboken. We have no assurance, gentlemen, that the Legislature of the State of New Jersey will in its wisdom see fit to authorize the city of Hoboken to acquire this property.

Mr. EAGAN. Legislation was passed several years ago authorizing the city to take over the Shore Road and pier property, and additional legislation is needed now because they have reached the debt limit.

Mr. O'CONNOR of New York. What has the city of Hoboken been doing all these years before the time that the port authority acquired the property?

Mr. EAGAN. Knocking at the doors of Congress.

Mr. O'CONNOR of New York. Did the city of Hoboken have to come to Congress to authorize the Secretary of War to sell the property to it?

Mr. EAGAN. The other question, a very much bigger question was that of the piers.

Mr. WELLER. I can not allow gentlemen to take any more of my time. Gentlemen, I sympathize in the position of the gentleman from New Jersey, but I think at this time this bill ought not to be interfered with in any way, but passed in conformity with what the committee has already done.

Mr. BOYLAN. Will the gentleman yield?

Mr. WELLER. I will.

Mr. BOYLAN. I want to ask the gentleman if he has read this comprehensive plan?

Mr. WELLER. Yes; I have.

Mr. BOYLAN. Whether or not the gentleman thinks the comprehensive plan should be carried out within a period of the next 300 years?

Mr. WELLER. Yes; I am satisfied the plan which has been inaugurated by the engineers and counsel and members of the commission, with the help of Congress, can be carried out within the next 10 years, and this is the first step.

Now, with reference to the position of the Secretary of War: The Secretary of War, if you sell this property to the port authority, has jurisdiction to come in and take over the property and operate the railroad in the event of a war. That is specifically reserved, and also the port authority must recognize the jurisdiction of the Interstate Commerce Commission.

Mr. FAIRCHILD. Will the gentleman yield?

Mr. WELLER. Yes.

Mr. FAIRCHILD. The amendment offered by the gentleman from New Jersey strikes out the public agency that has the right to buy and substitutes a public agency that has no right to buy and may never acquire the right to purchase?

Mr. WELLER. Certainly; and I want to say a word in reference to the gentleman from New York, my colleague, who refers to the man who represents as counsel the port authority. Julius Henry Cohen is a lawyer of experience in the city of New York, selected by the Governor of New York, a lawyer of standing in the community, a lawyer who appeared before the Committee on Military Affairs in this matter, and who has been recognized as a lawyer of repute in our city. He is a

member of the Supreme Court bar, and the reflection that was cast on him by the gentleman from New York should be withdrawn, in spite of the attempt that he is making to justify himself.

Mr. LAGUARDIA. Has the gentleman read page 27?

Mr. WELLER. I heard what the gentleman read and anticipated that that is what he calls his justification. I say he is not justified in any particular.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. WAINWRIGHT. Mr. Chairman, I move that all debate on this amendment be now closed.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. EAGAN].

The question was taken; and on a division (demanded by Mr. EAGAN) there were 23 ayes and 67 noes.

So the amendment was rejected.

Mr. McSWAIN. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. McSWAIN: Page 4, line 21, after the word "taxation," strike out the period, insert a comma, and add the following: "Provided, That for one year after the approval of this act the Secretary of War is authorized to sell the same property to the city of Hoboken, N. J., on the same terms herein authorized as relate to the sale to the Port of New York Authority."

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, I did not vote for the amendment of the gentleman from New Jersey [Mr. EAGAN] for the reason that if his amendment had been adopted, and if the city of Hoboken should not have been able to purchase, either for lack of funds or lack of authority, it would then be necessary to accomplish the purpose we all have in mind, to wit, to hold this property in the hands of some public authority rather than to let it get into the hands of a selfish private interest, to come back to Congress and have another bill passed authorizing the sale to the Port of New York Authority. The only result of my amendment is to give the city of Hoboken virtually an option, a prior right of negotiation for a period of one year, so that if she has not the money she can try to borrow it, and if she has not the authority she can appeal to the Legislature of the State of New Jersey. The gentleman from New York [Mr. MILLS] was entirely fair in his remarks, and as he was making them I said to the gentleman sitting beside me, "Why, the fight is over; there is no controversy between the Port of New York Authority and the city of Hoboken. The lion and the lamb have lain down together." Now, in order to make it sure that there will be no slip as to the rights of the city of Hoboken, I appeal to both sides to come in and let Hoboken have a year. The Port of New York Authority says that if Hoboken will only buy it they are satisfied. We all want to keep it out of the hands of some private interest. Give the city of Hoboken the right to have the railroad, and from the profit she will get from running it she may be able to recoup herself for the loss of taxes that she has suffered by reason of its passing into the Government's hands. I ask you gentlemen to support the amendment in the interest of fairness, and I hope the gentleman from New York [Mr. MILLS] will not oppose it. If it is not correct in form, if it is inartistic, I would be very glad to have the gentleman amend it.

Mr. MILLS. As far as I am concerned, I shall be willing to accept it with one or two amendments.

Mr. McSWAIN. Yes.

Mr. MILLS. It does not seem to me that the time should extend for so long a period as a year, but for a reasonable time after the probable adjournment of the New Jersey Legislature. I see no sense in tying up the property for a year. I would suggest June 1.

Mr. McSWAIN. When will the Legislature of New Jersey probably adjourn?

Mr. EAGAN. I think the legislature will probably adjourn about the 1st of May.

Mr. McSWAIN. They ought to have more time than June 1. It would take some time to issue the bonds.

Mr. MOREHEAD. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. MOREHEAD. Is not the principal contention here in this matter as to whether the port authority acquires title by paying cash or giving questionable securities? It would seem to me that the Government is without representation here in this matter.

Mr. McSWAIN. Oh, we are representing the whole American people in trying to get this thing out of the hands of the Delaware & Lackawanna Railroad. I believe we are representing the interest of the people whose crops, cotton and wheat and corn and other products, go through that port.

Mr. MOREHEAD. Is not the port authority largely a myth, without any financial responsibility? Many times it has been stated here that they expect to acquire \$500,000,000 or \$600,000,000 worth of property, and yet they come to the Government to acquire a million dollars' worth of property by giving some questionable securities.

Mr. McSWAIN. I believe the gentleman is surely willing to let this property pass to the city of Hoboken dollar for dollar and bond for bond on the same terms as to the Port of New York Authority, and that is all there is to the amendment.

Mr. SCHAFER. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. SCHAFER. The gentleman is interested in keeping this railroad from the railroad corporations, to protect all of the public, not only in the city of New York but throughout the country.

Mr. McSWAIN. Yes.

Mr. SCHAFER. Would not the best way of giving protection be to have the Federal Government operate that railroad?

Mr. McSWAIN. I am not an engineer, and I can not tell whether the Federal Government can operate a locomotive or not.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MILLS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for a minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WAINWRIGHT. Mr. Chairman, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. WAINWRIGHT. What would prevent the city of Hoboken immediately after it acquired this railroad from making a 99-year lease of it to the Delaware, Lackawanna & Western, or one of the railroads in Hoboken, or of selling it to one of these railroads?

Mr. McSWAIN. Nothing that I know of.

Mr. EAGAN. The city of Hoboken officials assure me absolutely that they will lease the property to the Port of New York Authority if they acquire it.

Mr. WAINWRIGHT. It seems to me that that is hardly the kind of assurance on which Congress should rely in an important matter of this kind.

Mr. LAGUARDIA. And what is to prevent the Port of New York Authority from selling it or leasing it?

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent to modify the amendment in the form in which I sent it to the desk.

The CHAIRMAN. The Clerk will report the proposed modified amendment.

The Clerk read as follows:

Modified amendment of Mr. McSWAIN: Page 4, line 21, after the word "taxation," strike out the period, insert a comma, and add the following: "Provided, That to and including August 1, 1925, the Secretary of War is authorized and empowered to sell to the city of Hoboken, N. J., on the same terms herein authorized as relate to a sale to the Port of New York Authority."

The CHAIRMAN. Without objection, the original amendment will be withdrawn. Is there objection?

Mr. CONNALLY of Texas. Mr. Chairman, reserving the right to object, I will ask the gentleman from South Carolina, Does this amendment provide that he shall give a preferential right? Of course, if it does not, probably the same pressure might be brought to bear on the Secretary of War as seems here to go ahead and sell to the port authority. He ought to have a preferential right if the amendment is to be made effective. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the substitution will be made, and the gentleman from Texas offers an amendment, which the Clerk will report.

Mr. HOLADAY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HOLADAY. To oppose the amendment. I ask consent to address the House for one minute.

The CHAIRMAN. The Chair will recognize the gentleman in a minute, as soon as the parliamentary situation is cleared. The Clerk will report the amendment of the gentleman from Texas.



The Clerk read as follows:

Amendment to the amendment offered by Mr. McSWAIN: After the word "authority" in the last line of the amendment insert, "And until such time the city of Hoboken, N. J., shall have a preferential right to purchase the said property."

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen, I only offer this amendment to effectuate what I thought was the intent of the gentleman from South Carolina. I recognize his service on the Committee on Military Affairs entitled him to his views, which have very much weight, and I am frank to say that I shall be influenced by the gentleman's views on this measure, and under the terms of the amendment as originally drawn the power conferred would be to give the Secretary of War the power to sell either to the port authority or to the city of Hoboken. Now, if it is desired that the city of Hoboken shall have a prior right to purchase it must be written into this act.

Mr. LINTHICUM. I do not think the Clerk read the amendment as the gentleman intended it.

Mr. CONNALLY of Texas. Now, I will frankly say I was somewhat impressed by the argument of the gentleman from New York [Mr. MILLS] the other day when he said that the issue here is whether or not this property shall be turned over to private operation or whether it should be vested in some governmental agency, to be administered in the general welfare. I agree with that as a basic proposition, but this property, as I understand it, is located within the city of Hoboken, and Hoboken's prosperity depends in a large way upon the operation of these docks and facilities, and is it not reasonable and is it not logical to believe that Hoboken's own self-interest if no other reason, would impel Hoboken to administer this property in such a way as to give equal facilities and equal opportunities for its use to all the railway companies entering that port? The city of Hoboken is a public municipal corporation, and it seems to me that the thing for this House to do is to adopt the amendment of the gentleman from South Carolina.

Mr. MILLS. Mr. Chairman, I rise in opposition to the amendment to the amendment. I hope that the gentleman from Texas can be persuaded to withdraw his amendment. This illustrates to me very forcibly the danger of beginning to make concessions. The amendment offered by the gentleman from South Carolina, in my judgment, is not necessary at all, but in order to make it entirely clear I was willing to accept it, but when you go on to write in the word "preferential" and tie the hands of the Secretary of War, I do not know where it does leave us, particularly when you find that the city of Hoboken to-day has no legal authority to purchase.

Mr. O'CONNOR of New York. What would be the situation if, after this bill passed, the Secretary of War sells to the Lackawanna? If he is mixed between two things, is not that about what he may do?

Mr. MILLS. I think it may drive him to a position where he will have to in self-defense. If we take the amendment proposed by the gentleman from South Carolina, then we have a bill authorizing the Secretary of War to sell either to the port authority or to the city of Hoboken on the same terms, and we have a definite statement from the port authority that if New Jersey gives the necessary legislation they will not stand in the way of the city of Hoboken. Now, are not all the rights and privileges protected under those circumstances?

Mr. CONNALLY of Texas. Who gives that assurance?

Mr. MILLS. The chairman of the port authority.

Mr. CONNALLY of Texas. Where is that?

Mr. MILLS. In the record.

Mr. CONNALLY of Texas. Is there anything binding about that? Is there anything requiring that as part of this act?

Mr. MILLS. It is not a part of this act, but as a practical proposition, with the record as it stands, with that statement having been read into the Record by me, with the authority of the port authority, is not the city of Hoboken as amply protected as it can be? And is it not foolish to write into the law that the city of Hoboken shall have a preferential right when under the law the city of Hoboken has no right to purchase at all?

I do hope the gentleman will not insist on his amendment. What we want to do is to get the road either into the hands of the port authority or the city of Hoboken, and, as between the two, the port authority says to the city of Hoboken, "If you insist, we will step aside."

But let those two agencies agree as between themselves and not have the Congress of the United States say it is to be to the city of Hoboken when the city of Hoboken has not the necessary authority. While I am willing to accept the

amendment of the gentleman from South Carolina, yet if the amendment to the amendment carries, I shall be relieved of the obligation to accept it, and I hope that the original amendment will be voted down. [Applause.]

Mr. CAREW. Does not the gentleman think that under the circumstances it would be better to give it to the port authority and not to the city of Hoboken?

Mr. MILLS. I do.

Mr. CAREW. The port authority has the interest of the whole port at heart, whereas—

Mr. MILLS. That is my opinion, but we wanted to be entirely fair to the city of Hoboken.

Mr. BOYLAN. Is it not a fact that the port authority's whole plan springs from hope and hope springs everlastingly in the breast of the port authority? [Laughter.]

Mr. HOLADAY. Mr. Chairman and gentlemen, I suppose I approach this question from the same viewpoint as the gentleman from South Carolina [Mr. McSWAIN]. The question that is in my mind is, What is the best thing to do with this railroad, not from the standpoint alone of the Port of New York Authority or of the city of Hoboken, but what is best for the producer of cotton in South Carolina and for the producer of livestock and grain throughout the great Middle West? This property now belongs to the Government. In the course of events the Government will divest itself of this property. It appears to me that it is a better proposition for the interest of the United States generally that this property be turned over to the port authority, which is the representative of two States, rather than to the authority of one city. [Applause.] For that reason I am opposed to all of the amendments.

Mr. O'CONNOR of New York. Mr. Chairman, some one has aptly said that this is a question between trying to make a triangle with three sides or one with only one side. The port of New York is something like a triangle. Is it to be developed by the city of New York, or by the city of Hoboken, or by the Federal Government, or by all three combined? The cooperation of the States of New York and New Jersey and the Federal Government are indispensable. Some people in New York City and others in Hoboken have stated they could develop a port of their own. If they are sincere and not facetious, that is absolutely impossible; New York City could only develop the port on its side. The situation is such that the opportunities for development are greater on the Jersey side, the gateway to the West. I very much regret that the gentleman from New York [Mr. MILLS] even conceded the amendment of the gentleman from South Carolina [Mr. McSWAIN], for the reason that this authorization to the city of Hoboken is not necessary. If this bill were passed in its original form the Secretary of War could still sell to the city of Hoboken in preference to the port authority.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. BARKLEY. Under the language of the amendment offered by our friend from South Carolina, if the bill should pass in that form, giving the Secretary of War the authority to sell either to the Port Authority of New York or to the city of Hoboken, and the city of Hoboken has no authority, how long would he have to wait before they would get that authority?

Mr. O'CONNOR of New York. The city of Hoboken has had years in which to acquire this property from the Secretary of War, but not until the Port Authority of New York has come forward with a proposition, does the city of Hoboken make any determined effort to acquire the property.

When you put in "preferential" rights you so confuse the authorization that the Secretary of War is faced with the dilemma where he may say, "Something is said about 'preferential' rights; a preferential right to the city of Hoboken, or to this, or to that, or to the other." Under the circumstances the Secretary of War may well say, "I will wash my hands of this mix up. I can sell it to the Lackawanna and get it off my hands, and I shall do so."

Mr. MOREHEAD. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. MOREHEAD. I am not clear as to the legal phase. Providing the port authority acquires title, will they also acquire title to the Government bonds and cash on hand?

Mr. O'CONNOR of New York. I do not understand the port authority will obtain the Liberty bonds, but as to the \$43,000 of cash, I understand they will issue their bonds in addition to the \$1,000,000 offered for the railroad.

Mr. MOREHEAD. Would the gentleman assent to an amendment to permit the bonds to be sold?

Mr. O'CONNOR of New York. I would oppose that on the ground—with all due respect to the gentleman—that it is

picayune compared with the general proposition before us. Reduced to its final analysis, you have now the opportunity of authorizing the Secretary of War to dispose of this railroad to a public agency, the Port Authority of New York, or you deny that authorization which must inevitably have only one result—the acquisition of this key to the development of the port of New York by a private interest, the Lackawanna Railroad. No one interested in the development of the port of New York or of this country's commerce should desire the latter result, but I submit you will make it possible if you adopt any of the amendments offered.

Mr. WAINWRIGHT. Mr. Chairman, I agree with the gentleman from New York [Mr. O'CONNOR] that the original amendment should not have been adopted; but I now rise to move that all debate on this amendment and all amendments thereto do close, and I hope that this amendment may not be favorably acted upon by the committee.

Mr. CONNALLY of Texas. Mr. Chairman, I want to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas desires to withdraw his amendment.

Mr. CONNALLY of Texas. I ask unanimous consent to withdraw my amendment, because the gentleman from South Carolina [Mr. McSWAIN] makes that request, and I have no disposition to oppose that issue.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection?

Mr. SCHAFER. I object.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from South Carolina [Mr. McSWAIN].

Mr. LAGUARDIA and Mr. McSWAIN demanded a division.

The committee divided; and there were—ayes 33, noes 78.

So the amendment was rejected.

Mr. DENISON rose.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. DENISON. Mr. Chairman, I rise to offer an amendment to the bill.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 2, after the word "Congress," in line 5, strike out all of line 5, all of lines 6 and 7, and all of line 8 to the word "and."

Mr. DENISON. Mr. Chairman, the substance of the amendment I have offered is this: It strikes out of the bill this phrase:

and the Secretary is authorized and empowered to take and accept in lieu of cash the bonds of the said Port of New York Authority, secured by such lien as the Secretary in his discretion may determine is proper and sufficient.

Now, I take it, gentlemen, that this phrase in the bill is a direction to the Secretary of War to accept the bonds of the port authority, but even if it is not a direction it is an expression of the views of Congress as authorizing him to accept the bonds in lieu of cash. I think that is the most important question in this bill and I have offered this amendment to present it for the decision of the committee and afterwards for the decision of the House, as to whether or not Congress wants to say to the Secretary that he is authorized to accept the bonds of the port authority in payment for this property. That amounts to what? If this bill goes through and he is authorized to accept the bonds, it means that the United States Government is loaning the port authority \$1,000,000, when there is no necessity for it; and, speaking for myself, I am not ready yet for the Government to go into that sort of business and make this advance of \$1,000,000 to the port authority, when there is no emergency and no necessity for it.

Mr. BARKLEY. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. BARKLEY. Suppose it transpires that the port authority can not pay cash and the Secretary can not accept bonds in lieu of cash, would not the result of that be that the Secretary would be forced to sell the property to a private agency that might have the cash and thus defeat the object of this bill?

Mr. DENISON. It would not result that way at all, because he is not forced to sell it. I think that when we sell the property of the Government we ought to receive cash to put into the Treasury.

Mr. BLANTON. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. BLANTON. Is not the moral responsibility of both the State of New Jersey and the State of New York behind this institution in securing the payment of these bonds?

Mr. DENISON. Those States are not behind the port authority and that is provided by the very acts creating the port authority.

Mr. BLANTON. But there is a moral responsibility.

Mr. DENISON. What good is moral responsibility going to do the Treasury of the United States?

Mr. BLANTON. We do business every day on moral responsibility.

Mr. DENISON. Mr. Chairman, I can not yield any further. I think the Government ought to sell this property and get out of the business, and I think that if we are going to sell the property it would be better to dispose of it to the port authority rather than to a private concern. We all agree on those things, but it does not follow that we ought to loan them \$1,000,000. It seems to me, gentlemen, that in a great money market like New York this corporate body, the port authority, ought to be able somewhere to raise \$1,000,000 instead of through the Treasury of the United States. [Applause.] It seems to me that the State of New Jersey, the State of New York, or both of them, or the municipality of New York, or some of the financial interests in New York, ought to be willing to advance to this important corporate organization \$1,000,000 to buy this railroad if they need it; let the United States Government have its money and get out of the business.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. DENISON. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for two additional minutes. Is there objection?

There was no objection.

Mr. DENISON. This amendment simply presents the concrete question, whether or not the Federal Government shall loan the port authority \$1,000,000 for 30 years. We are selling them the railroad on 30 years' time. We do not know what it will be worth at the end of the 30 years; we do not know what the security will be worth, and I think we had better take what we can get now in cash. I would rather sell the property for less and get cash than to take \$1,000,000 worth of their bonds, especially since the States have refused to be responsible for their bonds. Both States have expressly refused to be responsible for their bonds.

Now, the argument has been advanced here that because Congress some years ago consented to this compact between the two States, it is now obligated to loan the port authority \$1,000,000 out of the Treasury. That argument has been made to-day, and it was made by one gentleman from New York. Such an argument is wholly unsound. Article I of the Constitution of the United States forbids any State from entering into any agreement or compact with another State without the consent of Congress. New York and New Jersey entered into an agreement by which the so-called port authority was created for the purpose of improving the port of New York. Such an agreement, of course, could not be lawfully made without the consent of Congress. Such consent was granted, but in granting it Congress in no way committed the Federal Government to any financial or moral obligation to aid the port authority in carrying out the purposes for which it was created.

Mr. Chairman and gentlemen, I can not explain to my constituents any sufficient reason why I should vote for this measure to authorize the Secretary of War to sell this valuable property of the Government for \$1,000,000 in bonds of the port authority which are now practically worthless in the New York market, when the Secretary of War has an opportunity to sell it to others for \$1,000,000 in cash. If it is not wise to sell it to private concerns for cash, the Government may well keep it until the port authority can raise the cash from other sources and pay the cash to the Government for it. So I can not support this bill unless the amendment I have offered is approved by the House.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. WAINWRIGHT. Mr. Chairman, I move that all debate on this amendment close in six minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on this section and all amendments thereto close in six minutes.

Mr. LAGUARDIA. Mr. Chairman, I amend that by making it eight minutes. I think I ought to have two minutes.



The CHAIRMAN. The gentleman from New York moves to amend by making it eight minutes. The question is on agreeing to the amendment to the motion made by the gentleman from New York [Mr. WAINWRIGHT].

The amendment to the motion was rejected.

The CHAIRMAN. The question now is on agreeing to the motion of the gentleman from New York [Mr. WAINWRIGHT] that debate close in six minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from South Carolina [Mr. McSWAIN] will be recognized for three minutes and the gentleman from Kentucky [Mr. BARKLEY] will be recognized for three minutes.

Mr. McSWAIN. Mr. Chairman and gentlemen of the committee, I want to congratulate the gentleman from Illinois [Mr. DENISON] in finding the heart of this bill, and if his motion prevails the rest of the bill is dead language. That is the only reason we are here. I submit that the bill is here properly upon the proposition contained in those lines he seeks to strike out, because it is in harmony with the policy of this Government with regard to surplus war property. It has been the policy of the Government in disposing of surplus war property to give the option or the prior right of purchase to municipalities, and they have sold such property to municipalities upon easier terms than they have sold to private individuals, and in many instances they have given thousands and thousands of acres of land—absolutely given it—to cities and to counties for public use. The philosophy back of this is that this is virtually a public use, to wit, it is preserving in the hands of one public agency that which is now in the hands of the agency of the whole people, and therefore, though it be not exactly good, clear, sharp, Shylock business, it is in conformity with the fixed policy of the Government.

Furthermore, suppose 30 years from now these bonds are not worth \$1,000,000, and suppose on the other hand we should never sell the road. We will then be in the same fix, because if the bonds are not worth that amount, then we will get our railroad back, and if we never sell it—and some say we should not—we would have our railroad at the end of 30 years. Therefore by passing this bill we take no chances except upon the proposition that we would rather have \$1,000,000 cash from the Delaware, Lackawanna & Western Railroad, a private corporation, than to have \$1,000,000 worth of reasonably good bonds of a public enterprise that proposes to serve the commercial interests of the whole Nation. [Applause.]

Mr. BARKLEY. Mr. Chairman, I am sure the gentleman from Illinois [Mr. DENISON] did not intend it, but if this amendment should be adopted, it would be equivalent to striking out the enacting clause of this bill.

I am informed, and I suppose nobody will dispute it, that the Port Authority of New York have not the cash to pay for this railroad, and yet if we require them to pay cash and they have not the cash and can not obtain it, as I am informed they have it not and can not obtain it at present, it will result in the sale of this railroad to some private corporation or to some railroad company that is now in existence.

The Secretary of War advertised this property for sale last August, and it would have been sold then except that the President, by reason of the popular clamor against its sale at that time, stopped the sale of it. That is why the bill is here now—to enable the Secretary of War to sell it to the Port Authority of New York and to accept its bonds in lieu of cash.

The city of New York is not the only part of our country that is interested in this matter. The port of New York is the neck of the great bottle out of which our commerce flows to the markets of the world. The South and the West, every farmer and every manufacturer, is interested in securing as low rates as possible into and through the port of New York, and permission to accept these 30-year bonds in payment for this railroad is one way to secure a reduction of the rates that will be charged on our commerce into the port and out into the markets of the world, and I therefore hope this amendment will be defeated. I hope that all amendments that handicap the Secretary of War in selling this property to the Port Authority of New York will be voted down and the bill passed. [Applause.]

The CHAIRMAN. All-time has expired. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. DENISON].

The amendment was rejected.

Mr. LAGUARDIA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LAGUARDIA: Page 3, line 13, after the word "further," strike out the balance of line 13, lines 14, 15, 16, 17, 18, 19, and the words "railroad company to the United States," on line 20, and insert in lieu thereof the following: "That before the sale or transfer of the said stock of the Hoboken Manufacturers' Railroad Co., the Secretary of War shall cause to be transferred to the United States all securities, bonds, mortgages, and cash owned by the said Hoboken Manufacturers' Railroad Co."

Mr. LAGUARDIA. Mr. Chairman—

The CHAIRMAN. The question is on agreeing to the amendment. All debate has been closed.

Mr. LAGUARDIA. I beg the Chairman's pardon. All debate was closed on the amendment then pending.

The CHAIRMAN. As the Chair recalls, the Chair put the question on the section and all amendments thereto.

Mr. LAGUARDIA. That is not my understanding, Mr. Chairman. I ask unanimous consent to proceed for five minutes in order to explain my amendment.

Mr. MILLS. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for five minutes.

Mr. WAINWRIGHT. Mr. Chairman, I concur in that request.

Mr. TYDINGS. Mr. Chairman, I object.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. WAINWRIGHT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 2287, had directed him to report the same back to the House with the recommendation that it do pass.

Mr. WAINWRIGHT. Mr. Speaker, I move the previous question—

The SPEAKER. The rule provides that the previous question shall be considered as ordered. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

Mr. DENISON. Mr. Speaker, I desire to offer a motion to recommit.

The SPEAKER. The gentleman from Illinois offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

A motion to recommit by Mr. DENISON: Mr. DENISON moves to recommit the bill to the committee with instruction to that committee to report the same back forthwith with the following amendment: Strike out all of line 5, page 2, after the word "Congress," and all of lines 6 and 7 and all of line 8 to the word "and."

Mr. DENISON. Mr. Speaker, I would like to have read the words proposed to be stricken out, so the House may understand it.

The SPEAKER. Without objection the Clerk will read the words proposed to be stricken out.

There was no objection.

The Clerk read as follows:

Page 2, line 5, after the word "Congress" strike out, "and the Secretary is authorized and empowered to take and accept in lieu of cash the bonds of the said Port of New York Authority, secured by such lien as the Secretary in his discretion may determine is proper and sufficient."

Mr. WAINWRIGHT. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit. The question was taken; and on a division (demanded by Mr. DENISON) there were 27 ayes and 156 noes.

Mr. DENISON. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present. The Chair will count. [After counting.] A quorum is present.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. LAGUARDIA) there were 198 ayes and 28 noes.

Mr. LAGUARDIA. Mr. Speaker, I demand the yeas and nays. The question of ordering the yeas and nays was taken; and only 17 Members rising, the yeas and nays were refused. So the bill was passed.

On motion of Mr. WAINWRIGHT, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### MODIFY VISÉ FEES IN CERTAIN CASES

Mr. BURTON. Mr. Speaker, I present a privileged resolution from the Committee on Rules.

The Clerk read as follows:

#### House Resolution 436

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 11957, to authorize the President in certain cases to modify visé fees. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled between those for and those against the bill, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House, with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage.

Mr. BURTON. Mr. Speaker, I will briefly explain this bill.

Mr. GARRETT of Tennessee. Before the gentleman begins will he not arrange for the control of the time on the rule?

Mr. BURTON. Is there anyone opposed to the rule?

Mr. GARRETT of Tennessee. Yes; the gentleman from New York [Mr. O'CONNOR], a member of the Committee on Rules, is opposed to the rule.

Mr. BURTON. Then I will ask unanimous consent that one-half of the time be controlled by the gentleman from New York.

The SPEAKER. The gentleman from Ohio has an hour, and he can yield one-half of his time to the gentleman from New York.

Mr. BURTON. I will do that.

Mr. Speaker and gentlemen, under the present regulation there is a charge of \$10 imposed by the Government of the United States to be collected by our consular officials for the giving of a visé on a passport of an alien proposing to enter the United States. There was no provision for any charge for a visé on a passport of an alien until the late war, and this amount is altogether out of keeping with the figures which we have charged for passports and for visés.

The original section pertaining to charge for passports for citizens of the United States is in the Revised Statutes, section 475, the act of May 30, 1866, providing for the issuance of passports. In the year 1874 an act was passed on June 20 imposing a fee of \$5 for each citizen's passport. This amount seemed very large, and 14 years later, on the 23d of March, 1888, the law was changed, and a fee of \$1 was imposed. After the beginning of the late war, and especially after our participation in it, it was found necessary to make regulations in regard to the entry of foreigners into the country, and to the going out of our own citizens and others in this country. So on July 26, 1917, the Acting Secretary of State, Mr. Polk, and the Secretary of Labor issued a joint instruction to diplomatic and consular officers relating to the entry of aliens into the United States. This regulation required a passport and a visé. This order was issued for a proper defense of the United States in the late war and provided regulations. At that time, however, no provision was made for fees.

The act of Congress approved May 22, 1918, confirmed, for every alien entering the United States, to be issued by one of our consular officers, those regulations issued jointly by the Secretary of State and the Secretary of Labor, and authorized the President by proclamation and regulations to fix the circumstances under which our own citizens, or those in this country, might go out and aliens might come in. In pursuance of that authority the President, by regulation, issued August 8, 1918, fixed a fee of \$1 on an application for a visé and another dollar for the visé.

On June 4, 1920, as a part of the Diplomatic and Consular appropriation bill, the fees were fixed at \$1 for executing the application and \$9 for each passport issued to a citizen of the United States going abroad, and also the same amount—\$1 for the application and \$9 for the issuance of the visé—for an alien coming into the United States.

This amount is altogether larger than has been levied at any previous time and larger than levied theretofore by other countries. It works very decidedly to the disadvantage of citizens of the United States, because those of our nationals who

travel in Europe must pass from State to State—England, France, Switzerland, Italy, and numerous other countries—and these foreign countries in retaliation for the fees we levy for the visé have imposed the same amount upon our American citizens, and that must be paid at each border. The estimate has been made that these visés cost citizens of the United States \$3,365,880. It is a very decided handicap and hardship to American travelers going abroad.

It has been alleged that this measure is merely supported by commercial organizations, by traveling salesmen, but I have with me two petitions for it, very extensively signed, one by passengers on the steamboat *America* on her return to this country, and another from American citizens of diverse occupations and classes, notably instructors in colleges and universities. The revenue that we derive from the visés on passports of aliens coming into this country—that is, I mean exclusive of the visés for immigrants—is estimated by the State Department at \$687,850. Thus the revenue to our Treasury is somewhat over \$600,000 because of our collections made on passports of aliens, while our citizens pay over \$3,300,000 for visés executed by foreign consular officers upon the passports of American citizens.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. RAKER. How much does a citizens of Italy have to pay for a passport to visit Switzerland?

Mr. BURTON. Nothing.

Mr. RAKER. And France and Italy the same?

Mr. BURTON. Switzerland and Belgium do not require passports at all, or rather charge nothing for visés.

Mr. RAKER. Say, from France to Italy?

Mr. BURTON. From France to Italy it is a comparatively nominal sum, and I am not sure that there is any amount collected now. I may say that in six trips that I made prior to 1903 I never got out a passport at all except that in traveling in Russia, Rumania, and Turkey I found it necessary to have a passport, but the fees were very slight; only a dollar or two.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. LOZIER. Reduced to its last analysis, this bill proposes to reduce the expenses of Americans traveling abroad at the expense of the Treasury of the United States?

Mr. BURTON. You may call it so, in about the proportion of 5 to 1.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. JOHNSON of Washington. The passport fee was fixed in the appropriation act of June 4, 1920. Was that act modified later?

Mr. BURTON. It was confirmed by a later act.

Mr. JOHNSON of Washington. Is it possible for an American citizen to travel out of the United States without taking out a passport?

Mr. BURTON. He can go to Belgium and Switzerland without any passport, or at least without a visé. Other countries require a passport and a visé.

Mr. JOHNSON of Washington. The point is this: The United States does not require an outgoing citizen to have a passport, but when he starts to travel he finds that he needs a passport.

Mr. BURTON. He has to have a passport. The regulation requiring permission to leave the country is not now in force. That was suspended with the war. As far as any passport is concerned, for the right to leave the country, he does not require one, but he must have one to enter all of these countries in Europe.

Mr. JOHNSON of Washington. Where does the reciprocity come in as proposed in this bill? Theoretically our nationals may go anywhere without a passport, but practically he can not go anywhere without one.

Mr. BURTON. Yes. It is not proposed to abolish the visés entirely, but let me read briefly from the bill:

That notwithstanding existing law fixing the fees to be collected for visés of passports of aliens and for executing applications for such visés, the President be, and he is hereby, authorized, to the extent consistent with the public interest, to reduce such fees or to abolish them altogether, in the case of any class of aliens desiring to visit the United States who are not "immigrants."

It is not proposed at all to remove the visé fees for immigrants. Those remain as now, \$1 and \$9. Let me read the rest of the bill—



as defined in the immigration act of 1924, and who are citizens or subjects of countries which grant similar privileges to citizens of the United States of a similar class visiting such countries.

That is, it is proposed that we shall reduce the fee for visés upon the passports of citizens of, say, Great Britain coming to this country, if they reduce reciprocally the fees for our citizens there.

Mr. JOHNSON of Washington. Will not that result in passport fees of very different amounts? A man starts from the United States and wants to go to several countries; say, to Belgium. He finds there that the fee is the equivalent of only \$2, we will say. If the gentleman were to travel to a variety of countries it would not amount to very much, would it? This attempt at legislation will not reduce the expense of those who travel abroad.

Mr. BURTON. The average number of countries visited is certainly not less than three or four. It would mean a reduction of thirty or forty dollars if the traveler went to three or four countries if the fee were abolished entirely, and if it were reduced to \$2 or \$1, then of \$24 or \$27.

Mr. JOHNSON of Washington. Suppose we make the fee for a passport issued to a man here in the United States, \$1 for registration and \$1 for the passport. A man has got that and he can then travel where he pleases.

Mr. BLANTON. Except when the gentleman from Washington goes to Canada he has to buy an automobile.

Mr. JOHNSON of Washington. I will say \$2 is paid. England charges a certain fee for a visé; say \$2, Belgium \$3, or whatever they choose to make it. Very well, I have paid \$2 for something I can not use. The United States does not make me take it, but I have paid the United States \$2, or whatever the charge may be.

Mr. BURTON. The gentleman must have a passport and a visé to travel unless it is in Belgium or Switzerland.

Mr. JOHNSON of Washington. But the point is the United States does not make me have it.

Mr. BLOOM. Will the gentleman yield?

Mr. BURTON. I will.

Mr. BLOOM. The gentleman stated before that they did not require a passport in Belgium. It is the visé to which the gentleman referred. The passport is required before they leave this country, and the price is on that.

Mr. BURTON. A person has to have a passport when traveling in the countries of Europe.

Mr. BLOOM. The passport is required, but the visé is not required for Switzerland and Belgium.

Mr. McSWEENEY. Will the gentleman yield? Is not there a greater burden laid upon the American traveler than upon a corresponding foreign traveler coming to America because of the fact the American goes abroad to visit two or three or more countries whereas the foreigner comes to America to visit one country?

Mr. BURTON. Yes. That is really the substance of what is to be accomplished by this bill, and the large number of countries which the American tourists visit imposes a burden upon them, while foreign travel only comes to visit one country.

Mr. LAZARO. Will the gentleman yield for one question?

Mr. BURTON. I will.

Mr. LAZARO. Suppose we pass this bill and reduce this charge. What assurance have we that the other countries—

Mr. BURTON. Oh, it is to be reciprocal absolutely. There is no reduction on our part unless it is reciprocal, and that is one reason for the form of this bill. Probably a different arrangement will be made with different countries. Some, perhaps, may fix it at \$1, some at \$2, and some may remove it entirely. The desire to have Americans visit their countries will, no doubt, aid in negotiations for lower fees.

Mr. BLANTON. Will the gentleman yield?

Mr. BURTON. I will.

Mr. BLANTON. There is an old adage about letting the ones who dance pay for the fiddler. Does not that apply in the case of travelers and tourists?

Mr. BURTON. I trust the gentleman does not have any prejudice against these American citizens who travel abroad?

Mr. BLANTON. None in the world.

Mr. BURTON. Teachers more than any others who seek to broaden their vision by visiting foreign lands. It would do the gentleman from Texas an infinite benefit if he could see some other country besides his own Texas and district. [Applause.]

Mr. BLANTON. I think I have seen as much of the United States as the gentleman from Ohio probably has, and at my own expense.

Mr. RAKER. Will the gentleman yield?

Mr. BURTON. I will.

Mr. RAKER. Will the gentleman advise the House whether or not there are any European countries you can visit now without a passport?

Mr. BURTON. I think not. Although I believe I said passport, I meant visé—but Belgium and Switzerland.

Mr. RAKER. You can not visit Switzerland without a passport.

Mr. BURTON. They are not very particular about it anyway.

Mr. RAKER. No man can go into Italy to-day without a passport.

Mr. BURTON. A visé?

Mr. RAKER. I am talking about a passport.

Mr. BURTON. If there are no further questions, I think I shall reserve the balance of my time. However, I want to say this one thing further to the House, that in international comity, in promoting good will, the adoption of this bill giving the President this authority is very desirable. It is not a mere matter of saving money to our commercial travelers or saving money to our teachers. It is an expression of a desire for closer intercourse among countries as well. It is not merely, I may add, in the line of an expense which is troublesome, but there is the difficulty of hunting up a consul of a foreign nation whose hours are often limited from 12 to 3, and in a great many instances when a person desires to leave the same evening he has found it necessary to remain until the following day or the second day because it was impossible to find the consul and obtain the visé.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BURTON. I will.

Mr. CONNALLY of Texas. I understand this bill does provide for the abolition of the visé.

Mr. BURTON. No; that is not intended.

Mr. CONNALLY of Texas. The last consideration the gentleman urged does not apply that he has to wait for a man to get it.

Mr. BURTON. In a measure it does. I reserve the remainder of my time. How much time does the gentleman from New York desire?

Mr. O'CONNOR of New York. I will need about 30 minutes, as I have a number of requests.

Mr. BURTON. Is it in order for me to yield time, and then the gentleman from New York to parcel it out as he desires?

The SPEAKER. By unanimous consent that can be done.

Mr. CONNALLY of Texas. I thought the time had already been divided.

Mr. BURTON. Will 30 minutes be satisfactory to the gentleman from Texas; if so, I yield 30 minutes to the gentleman from New York [Mr. O'CONNOR].

Mr. O'CONNOR of New York. Mr. Speaker and gentlemen, I am not opposed to reducing the burden of the visé fees which are now imposed upon residents of the United States traveling abroad. I realize that they have become a burden on the great mass of traveling men and on the teachers and students who annually visit the Continent, requiring them to pay three or four times as much in fees as the continental coming to our shores must pay, and I am ready to vote for a measure which will reduce those fees. But I am opposed to this rule and the so-called bill which it brings up for consideration, for this reason: This bill proposes to invest the Chief Executive of this Nation with legislative power. I shall continue to oppose such usurpation or such transfer of our legislative power to the Executive. [Applause.]

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. In a moment.

Mr. JOHNSON of Washington. I am very anxious to take that up.

Mr. O'CONNOR of New York. There are laws now on the statute books which fix the visé fees, and the way to reduce the fee is to go right to that law and change it. The gentleman from New York [Mr. BLOOM] has gone right to that law and introduced a bill here changing the fees.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. McSWAIN. But if we by statute lowered ours, that would not lower the fees exacted by foreign countries.

Mr. O'CONNOR of New York. Very well. The bill I referred to does just that. We can lower our fees by legislative enactment, and at the same time provide that they are contingent upon reciprocal fees. It is fundamentally wrong to invest the President with the power to change existing law as he shall see fit. It is, to my mind, unconstitutional. I believe it to be in direct violation of section 1 of Article I of the Constitution, which says, "All legislative powers herein

granted shall be vested in a Congress," and violative of section 1 of Article II, which provides "The executive power shall be vested in a President." I believe it is fundamentally wrong to attempt to lodge legislative power in the Chief Executive and to give to the President the power to enforce the law or not as he will, or to modify it.

Mr. JOHNSON of Washington. As I remember, the passport requirement is a hang-over of our war legislation, and the right to acquire a passport was vested at that time in the President, and Congress fixed the fee. The right to do away with the passport or to make the rate reciprocal now lies with the President.

Mr. CONNALLY of Texas. We did that as it should have been done, and put it in the law, and vested its exercise in the President.

Mr. O'CONNOR of New York. In the appropriation for the Diplomatic and Consular Service for the year 1921 we fixed the visé fee, and that still stands, and I maintain the only way to vary those fees, even taking into consideration reciprocal relations with other countries, is to go right to that bill, and not say "Here, Mr. President, take our legislative powers and enforce the law as you see fit." Gentlemen, we have seen a number of instances up to this date of this relinquishment of our powers, and we shall probably be confronted with more under this administration, but I for one do not propose to go any further in yielding any of the rights of this House to another branch of this Government. [Applause.]

Mr. Speaker, I reserve the balance of my time. How much time have I used?

The SPEAKER. The gentleman has used five minutes.

Mr. O'CONNOR of New York. I yield 10 minutes to the gentleman from California [Mr. RAKER].

The SPEAKER. The gentleman from California is recognized for 10 minutes.

Mr. RAKER. Mr. Speaker and gentlemen of the House, there are two fundamental objections to this bill, and therefore they go to the resolution. I can not believe that anybody can answer the two objections that go to the very life of this resolution.

In the first place, it seeks to delegate the power of Congress to an executive department. There has been a long line of decisions, and universally, not only in our Supreme Court but in the State courts, it has been held that the legislative power can not be delegated to the executive power or the judicial power.

Second, on the bill is the intention to waive from \$690,000 to \$1,000,000 to those who are able to pay this fee. As to the question of the foreign countries, they have fixed their passport regulations and their fees, and there is no possibility for that being changed for many years to come, as will be demonstrated by anybody traveling in those countries. It costs more now and will cost more for the next 40 years than ever before.

Mr. FISH. The gentleman is mistaken about that.

Mr. RAKER. No; I am not mistaken. Nobody can enter a foreign country to-day without a passport. There is an examination at the border when you enter, and there is an examination when you cross the border on the other side, and the foreign countries use this passport and the visé for the purpose of deriving revenue.

In the first section of Article I of the Constitution it is provided that—

All legislative power herein created shall be vested in Congress of the United States, which shall consist of a Senate and House of Representatives.

Congress can not delegate its power to make laws to an executive department or to an administrative officer, nor does the power delegated to such department or officer carry with it the authority to repeal, extend, or modify an act of Congress. (*Morrill v. Jones*, 106 U. S. 466.)

Encroachment by legislative and judiciary or legislative power by one of the separate departments of the Government may not usurp power committed by the Constitution to another department. The President has no constitutional power to repeal an act of Congress. (*Mugier v. Kansas*, 123 U. S. 623; *Whitney v. Robertson*, 124 U. S. 190; *Chinese Exclusion Case*, 130 U. S. 581; *Norther Securities Co. v. United States*, 193 U. S. 197.)

A legislative body may delegate to an executive or administrative officer the power to find some fact or situation on which the operation of a law is conditioned, or to make and enforce legislations for the execution of a statute according to its terms. (*St. Louis Merchants Bridge T. Ry. Co. v. United States*, 188 Fed. 191, 195, and cases cited.)

Mr. MOORE of Virginia. Mr. Speaker, may I interrupt the gentleman right there?

Mr. RAKER. I hope the gentleman will not interrupt me now. I want to finish this statement.

Constitutional law. Delegation of legislative power.

But it can not delegate its legislative power, its power to exercise the indispensable discretion to make, to add to, to take from, or to modify the law.

The true distinction—

Said Judge Ranney for the Supreme Court of Ohio in *Cincinnati, Wilmington & Zanesville Railroad Co. v. Commissioners* (1 Ohio State, 77, 88), in a declaration which has been repeatedly approved by the Supreme Court—

is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be, and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done. To the latter no valid objection can be made. (*St. Louis Merchants Bridge T. Ry. Co. v. United States*, 188 Fed., p. 195.)

A legislative body can not, however, delegate its law-making power, its power to exercise the indispensable discretion to make, to add to, to take from, or to modify a statute. (Id. Sup.)

The provision of the sundry civil appropriation act of June 4, 1897 (30 Stat. 11), making it a crime to violate any rule or regulation thereafter to be made by the Secretary of the Interior for the protection of forest reservations, is void, as in substance and effect a delegation of legislative power to an administrative officer. (*U. S. v. Blasingame*, 116 Fed. Rep. 654.)

Judge Wellborn, in rendering the decision in this case, said:

I am of the opinion that the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes" (act June 4, 1897; 30 Stat. 11), in so far as it declares to be a crime any violation of the rules and regulations thereafter to be made by the Secretary of the Interior for the protection of forest reservations is, in substance and effect, a delegation of legislative power to an administrative officer. While the Supreme Court of the United States in *Field v. Clark* (143 U. S. 649; 12 Sup. Ct. 495; 36 L. Ed. 294) and also in *re Kollock* (165 U. S. 526; 17 Sup. Ct. 444; 41 L. Ed. 813) held that there was no unconstitutional delegation of power in either case; yet, applying and observing here the principles and distinctions there enunciated and recognized, it is impossible to escape the conclusion which I have announced. *U. S. v. Eaton* (144 U. S. 677; 12 Sup. Ct. 764; 36 L. Ed. 591), although not precisely like the case at bar, may also be aptly cited in support of said conclusion. Clear statements and pertinent applications of the doctrine announced by the Supreme Court of the United States in the two cases first above cited, that legislative power can be exercised only by that branch of the Government to which the Constitution commits it, will be found in *People v. Parks* (58 Cal. 624; Ex parte Cox, 63; Cal. 21) and *Board of Harbor Commissioners, Excelsior Redwood Co.* (88 Cal. 491; 26 Pac. 375; 22 Am. St. Rep. 321).

Now, with that point in view—and I can not believe anybody will be able to dispute those authorities—we find this provision in the bill:

That notwithstanding existing law fixing the fees to be collected for visés of passports of aliens and for executing applications for such visés, the President be, and he is hereby, authorized, to the extent consistent with the public interest—

No finding of fact—

to reduce such fees—

How much—\$1, \$2, \$3, \$5, or \$7? He will make the law under this bill—

or to abolish them altogether.

Then in the concluding part, which they say is reciprocal, is this language:

And who are citizens or subjects of countries which grant similar privileges.

What privileges? No privileges in regard to the passports and visés. So, turning to the passport act, on which we have had hearings, we find that this is a mandatory statute, the original act as passed in regard to it. Then the act of the Sixty-fifth Congress; then the act approved on May 22, 1918; the act approved on October 29, 1919; the act of June 4, 1920; and then the act of March 2, 1921, which reads as follows:



For expenses of regulating entry into the United States, in accordance with the provisions of the act approved May 22, 1918, and of this act, to be immediately available, \$600,000: *Provided*, That the provisions of the act approved May 22, 1918, shall, in so far as they relate to requiring passports and visas from aliens seeking to come to the United States, continue in force and effect until otherwise provided by law.

Then we have the same thing in the act of June 2, 1921. So we have a mandatory statute fixing the cost of the certificate and a passport to the American going abroad; we have a mandatory statute fixing the fee of the visé for an alien coming to the United States, and here is a resolution by Congress—and Congress alone can fix it—delegating its legislative power to an executive officer; not to find a fact or to enforce the law, but to raise or lower the fee, as it may be determined by the executive officer, or to abolish it entirely; in other words, repeal the entire law.

The SPEAKER. The time of the gentleman from California has expired.

Mr. RAKER. May I have five minutes more?

Mr. O'CONNOR of New York. I yield the gentleman five additional minutes.

Mr. RAKER. I want to call attention to the hearings, which I have read. There were hearings of a day and a half and they started off with a request from the United States Chamber of Commerce and others that the passport be done away with entirely. They said a man could not get his visé and could not get his passport. But their attention was called to the fact that before a man steps on board a vessel to leave the United States he can go to the consular offices in San Francisco, St. Louis, Chicago, Philadelphia, or New York and get his passport viséed for every country in the old world, so that he knows exactly where he is going when he goes there. He knows he can not travel from one country to another without a passport. He knows that if there is any valuable paper given to an American citizen that he prizes higher than anything else when he is abroad it is that viséed passport. You see a woman in a foreign city and you will see her holding her purse, her passport and her visé in her hand. She prizes it more than anything else.

Now, the point is that they found out that it was too much trouble to get a visé. They said you would be held up, that you would be held up at the station. These men did not know, or if they did know they did not give the facts to the committee, that when you enter Italy the train stops and every mother's son on the train has to show his or her passport and certificate. They did not tell those facts. They did not tell that when they crossed the line to the other side the train stops again, everybody gets out and everybody must show their passport. That is done in every country. Under the conditions existing in the old world, anybody who has been over there knows it will be 50 years if not 100 years before they will do away with the passport and the visé, because of the necessity and importance of it.

The only objection presented to the committee was that school-teachers have to pay this passport fee. Bless your souls, it is a hard time if these men who are globe-trotters can not pay this fee, men who are going abroad with goods manufactured in America and selling them cheaper abroad than they sell them here. It seems strange they are not willing to pay the passport fee and the visé fee to the United States and to the foreign country for the protection they get from them. They want these offices maintained abroad for their benefit and their good and they want to get out of paying for them. They want to go down into the people's pocketbooks and compel the people to pay from \$600,000 to \$1,000,000 to maintain these offices abroad. That is all it is for.

Mr. McSWEENEY. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. McSWEENEY. How does the legislative power delegated to an Executive differ in this bill from the power delegated in the tariff bill?

Mr. RAKER. It is entirely different, because there the power is given to increase a rate in regard to commerce, but here you have a statute fixing the fee of the passport and the visé; it fixes the exact amount of the passport and the visé abroad. Now, this bill proposes to delegate to the President the power to raise or lower or to do away with the fee altogether. And that is for the benefit of only a few. You take the immigrant who comes to this country as a prospective citizen, with all his money spent. What do you do to him? You are going to make a citizen out of him, but what do you do to him? You make him pay it.

But the globe trotter, the fellow who goes abroad on the *Berengaria*, with a half million dollars or a million dollars

behind him, wants to get out of paying a decent United States fee for the protection of his Government abroad. That is the proposition.

Mr. COLE of Iowa. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. COLE of Iowa. It is not the purpose of this bill to do away with the little pieces of paper which the gentleman valued so highly, but simply to reduce the charge for them.

Mr. RAKER. All right. Let me tell you gentlemen of the House that those who came before the committee and had hearings for a day and a half plead with the committee to do away with the whole thing.

The SPEAKER. The time of the gentleman from California has again expired.

Mr. O'CONNOR of New York. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, stripping this bill of all camouflage, it is a measure to tax all of the people of the United States about a million dollars a year in order to reduce the expenses of traveling abroad for our annual tourists and globe-trotters. In other words, it is class legislation, to tax all for the benefit of the favored few.

The gentleman from Ohio [Mr. BURTON], and the other proponents of this bill, will admit that at least 68,785 nonemigrant aliens annually come into the United States and pay \$10 each for their visé, which sum of \$687,850 goes into the United States Treasury every year as revenue to help pay the expenses of this Government.

Now, these proponents of this bill would have Congress do away with this charge of \$10, and stop this revenue of \$687,850 from going into the Treasury each year merely to save expenses for the Americans who travel abroad. When we stop this revenue, they know that it must be replaced, and the only way it can be replaced is through taxation upon the people, and if their proposition is passed into law, Congress will have to raise through additional taxes each year as much as \$687,850 out of the pockets of the taxpayers of the United States.

But I understand that our colleague from Texas [Mr. BOX], who is a member of this committee, will contend that instead of the number of nonemigrant aliens who annually come into this country being 68,785 as claimed by the gentleman from Ohio [Mr. BURTON] that the correct number is 172,406, as shown by the department report, and at the \$10 each would aggregate the sum of \$1,724,060 that goes as revenue each year into the Public Treasury, and which sum, if we pass this bill, will have to be replaced through taxes levied upon all of the people of the United States. But our colleague [Mr. BOX] will also contend that these nonemigrant aliens each pay \$18 to our Government, instead of the \$10, or, in other words, that they pay a head tax of \$8 besides the \$10 visé fee, and if he is correct in his position, the revenue amounts each year to \$3,103,308 that is derived from this source that goes into the Treasury, and if we pass this bill, if he is correct, we would have to tax the whole people of the United States additionally to raise this sum of \$3,103,308 to replace the revenue that this law will stop.

Now, what benefit to the people will be derived by the passage of this legislation? Will it in any way benefit the whole people? No; it will not. It will in no way benefit the 12,000,000 farmers of the United States. It will in no way benefit the millions of laborers in the cities of the United States. It will in no way benefit the millions of clerical employees in the United States.

#### WHO WILL BENEFIT BY IT?

It will benefit only the comparatively few Americans who are privileged to go abroad each year. When compared with the whole 110,000,000 people of the United States, these tourists are few.

Statistics show that American tourists traveling abroad spend \$500,000,000 in foreign countries annually. Yet they are now kicking about the visé fees they are required to pay. The distinguished gentleman from Ohio [Mr. BURTON] said:

The estimate has been made that these visés cost citizens of the United States \$3,365,880. It is a very decided handicap and hardship to American travelers going abroad.

He complains about the three million they have to pay for visés, yet says nothing about the five hundred million they willingly pay to hotels, cafés, railroads, and entertainments they enjoy abroad. If they are willing to freely spend \$500,000,000 to foreign countries for their foreign travel, why are they not willing to spend three million additional for visés? They are held up abroad for high hotel charges. They do not ask the Government to tax its people to pay part of that. These American tourists are held up abroad for high railroad fares, and

high taxi fares, and high café charges, and high entertainment charges, yet they do not ask their Government to tax its people to pay part of same.

#### UNITED STATES PASSPORT VALUABLE

Every American who travels abroad is proud of his American passport. It is a most valuable document. No traveler now would be without one. He rejoices in the protection with which it surrounds him. It is the protection of "The Stars and Stripes." It is the protection of his own United States and his 110,000,000 Americans back home. It is worth the price he pays. He does not begrudge 1 cent of the little fee required. If he does, he ought not to go abroad. He ought to stay at home.

#### MUST RETAIN CHECKING SYSTEM

We must retain a complete checking system. No person should ever be allowed to come into this country until he has been passed upon by our authorities. He should have a passport. And we should visé his passport. And it costs the American people huge sums of money each year to maintain these checking agencies. It costs us huge sums of money each year to pass on these foreigners, both emigrants and nonemigrants, and they and not our taxpayers should have to pay such expense.

And I do not blame other countries for keeping a checking system. And I do not blame them for insisting on viséing passports. And I do not blame them for charging for it. And the people who get the service ought to pay the bill. The people who are able to travel ought to pay for their visés as an incidental expense to such travel.

#### TRAVEL SHOULD NOT BEGET ARROGANCE

I wish sincerely that every American could travel abroad. I wish that every American could visit every State in this Union. Everyone recognizes that travel is beneficial. But with it we should never become puffed up. It should make us broader and more considerate for those of our fellow man less fortunate.

I have never had the privilege of going abroad. Just as many of my colleagues have done, I could have gone abroad on a Government transport during the past eight years at very little personal expense, but I have never yet done so. I could have gone on several of the many congressional trips to Panama at Government expense, but I have never yet done so. I have always been too busy with my official duties here in Washington, and I have never felt that I could spare the time. I know that it places me at a great disadvantage in not having the travel experience in foreign lands enjoyed by some of my colleagues, but I try to make up for it in increased energy and concentrated application to official duties.

#### UNKIND REFERENCES

With no provocation whatever, the distinguished gentleman from Ohio [Mr. BURTON] attempted to make sport of my lack of travel abroad, and indirectly tried to reflect upon my State. I did not ask him an impertinent question. I asked a very proper one, "If the ones who dance ought not to pay the fiddler?" And then he became unkind and said:

It would do the gentleman from Texas an infinite benefit if he could see some other country besides his own Texas and district.

The distinguished gentleman from Ohio [Mr. BURTON] makes us feel that when he speaks we ought to put him on a pedestal up above us because we have not been as privileged as he has in traveling abroad. In the many trips abroad which he has been privileged to make, in some, at least, he has traveled not altogether at his own expense, but at public expense, and probably part of the time at the expense of certain institutions, and to that extent has been more privileged than we have been; but I want to say to my friend from Ohio, it would benefit even the gentleman if he could get out of his stateroom sometime or out of his palatial dining car on the train sometime and travel over the United States like I have in an automobile and get down close to the heart of the American people and find out what they want with respect to their legislation. The gentleman would find that they want the men who travel abroad to pay the expense of their traveling, let them be teachers or preachers or of any other profession; let them pay. The old adage, "Let the ones who dance pay the fiddler" applies to the globe-trotter as well as anybody else.

The gentleman from Ohio should not have reflected upon the great State of Texas. If he had traveled more in his own United States and less abroad, he would have known that for almost every sight he can see abroad there is one in Texas to match it. He would have known that from Texline on the north boundary of my State, it is 884 miles across the State north and south to Corpus Christi on its southern coast. He would have known that from Texarkana, Tex., on the east, it is 864 miles across the State east and west to the city of El Paso on the Rio Grande. He would have known that the

wonderful scenery in the Fort Davis Mountains from Balmarhea to Alpine and Marfa is hardly surpassed by anything he has ever witnessed abroad. He would have known that my old district ran from Mineral Wells 553 miles west to El Paso, and from Lubbock 400 miles to Rock Springs. If he had done what I have done, traveled over Texas in an automobile and acquainted himself with its many resources and fine people, he would still have more foreign knowledge than I have, and probably would have as much practical experience.

Long before I came to Congress, at my own expense I traveled over much of the United States, and over some of Canada, and I am continuing to travel over the United States whenever the opportunity presents itself. And if the gentleman from Ohio will forgive me temporarily, I will promise him that as soon as I feel able to spare the time and money, I will make a trip abroad just in order that he will not feel so very much out of my class.

But getting back to the bill, we are proposing to delegate to the President of the United States our privilege of legislating. We are proposing to let him abolish or lower at will these visé charges. Why don't we do it, if it should be done?

I am not yet willing to delegate the authority that is upon the shoulders of every Member of Congress to legislate; I am not willing to delegate it to the Chief Executive of this Nation.

In some countries to-day, I will ask the members of his committee, if it is not a fact, for instance, in Holland, that the visé fee in Holland is just about one-half of what it is in France? It is a different amount in different countries.

If we want to change the visé fee and the passport fee, why does not the Congress do it? I agree with my friend from New York [Mr. O'CONNOR] and I agree with the gentleman from California [Mr. RAKER]. It is our duty to make the change and it is our duty to fix the price.

Mr. BLOOM. Will the gentleman yield?

Mr. BLANTON. I regret that my time is limited. It is not our duty to delegate that power to the Chief Executive and not know what his action is to be. I will now yield to the gentleman.

Mr. BLOOM. This money that is paid to the foreign countries for visés, how is that going to affect this country? The United States does not get that visé money.

Mr. BLANTON. The money Americans pay for visés abroad, of course, is paid to foreign countries, but the \$10 or \$18 per head which the 68,785, or the 172,406, as the case may be, non-emigrant aliens pay to the United States for their visés, amounting at least to \$687,850 annually, is paid as revenue into the Treasury of the United States. The gentleman from Missouri [Mr. LOZIER] a short while ago struck the keynote when he asked his colleague from Ohio [Mr. BURTON] if he was not taxing the taxpayers of the United States to benefit the globe trotters to the tune of at least \$687,850 per annum. All admit that we take in at least \$687,850 from visés annually that is public revenue. Why do we not put it in the Treasury and let these globe trotters pay out their \$3,000,000 for visé fees abroad, if they want to travel abroad, especially when they willingly spend \$500,000,000 annually in foreign countries?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. O'CONNOR of New York. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker and gentlemen, I am opposed to this rule, not on the ground that this particular bill is unconstitutional but on other grounds which I shall indicate briefly in a moment.

In answer to the objections raised by the distinguished gentleman from California [Mr. RAKER], I claim that the very case—*Field v. Clark* (143 U. S. 692)—that he read from in support of his contention that this bill is unconstitutional is the best argument in the world for the constitutionality of the bill. His trouble is that he has read only part of the case and not all of it. He quoted a brief extract. He should in all fairness have read to the House more of the opinion of that famous decision.

We are now discussing whether or not we shall consider a bill granting the power to the President consistent with the public interest to reduce visé fees or to abolish them altogether in the case of any class of aliens desiring to visit the United States who are not immigrants and who are nationals of countries which grant similar privileges to United States travelers abroad. The gentleman from California states that the bill is objectionable because it seeks to delegate legislative powers to the Chief Executive and that under the Constitution such power can not be delegated.

He grounds his argument on the case of *Field* against *Clark*; that case was the consideration of the authority conferred



upon the President by act of Congress to reduce the revenue and equalize duties on imports, to suspend by proclamation the free introduction of sugar, coffee, and other commodities when the President shall be satisfied that any country producing said goods imposes duties upon agricultural or other products of the United States which he, the President, may deem reciprocal, unequal, or unreasonable. The court held, Chief Justice Harlan writing the opinion, that this was not a transfer of legislative power to the President.

The true distinction—

Said the Justice, citing the opinion of Judge Ranney (1 Ohio State 88)—

is between the delegation of power to make the law, which necessarily involves a discretion as to what it shall be and conferring authority or discretion as to its execution, to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made.

Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the lawmaking department to ascertain and declare the event upon which its expressed will was to take effect. It was a part of the law itself as it left the hands of Congress that the provisions, full and complete in themselves, permitting the free introduction of sugars, molasses, coffee, tea, and hides from particular countries should be suspended in a given contingency, and that in case of such suspensions certain duties should be imposed.

In the case at hand all the President does is to act simply in execution of the resolution of Congress. He does not make the law, he simply finds out what foreign governments are doing or are willing to do in connection with the charges for visés for American travelers and then, if they are reducing their charges, he is authorized to reduce our charges. The President is thus a mere agent of Congress for the purpose of ascertaining and declaring the events upon which there shall be or shall not be a reduction in the visé charges.

Judge RAKER and I are in accord in our opposition to this bill; he is in error, however, in offering the Field versus Clark case as an argument. I demolish his argument in order that I might be fair to the gentlemen of this House. It is not to be supposed that I thus argue because I am in any way favoring this bill.

I am opposed, also, to this bill because you reduce the expense of American travelers and you put the entire burden upon immigrants. The hearings disclose that the total 1924 revenue from visés of passports was \$3,700,000, with a profit of \$1,500,000. The profit came mostly from the immigrants. A fee of \$10 placed upon a person who is to become a resident and a citizen of this country at the inception of his coming into this country, to my mind, is most oppressive; it is irksome and it does not make a better immigrant. If it had the effect of giving a man a better character or of giving a man better ability, mentally, physically, or morally, I would say make it \$100; but you do not exercise any selection by merely charging \$10, and when you put that burden upon him you do hinder and oppress him upon the very threshold of his career as an immigrant and future citizen. The burden is all the more intolerable when you realize that in addition to the \$10 you charge also a head tax of \$8, making a total of \$18, which the immigrant can ill afford to pay.

I say, furthermore, the purpose you have in mind will not be served; and why? If you will read on page 14 of the hearings, you will see that the gentleman from Texas [Mr. CONNALLY] asked this very significant question: "Would they not say, 'We will not reduce our fees to visitors from the United States if you still charge immigrants \$10.'"

That is the crux of the situation. Germany, England, Sweden, and all the other continental nations of Europe are interested in their nationals, and if you are going to charge the immigrant, as you do in the 1924 law, \$10 for a visé, those countries will say to the President—and you give him a sort of club over their heads by this bill—"Reduce the fees to our immigrants, otherwise we will not treat with you concerning reduction of visé fees to American travelers; we are mainly concerned with our nationals who go to the United States as immigrants. You do not propose to relieve them of any burdensome tax, why should we relieve your rich globe-trotters of any \$10 visé fees?"

For that reason you will not bring about the desired results in this bill. To no avail, therefore, you give power to the President to reduce the visé fees after he may or may not be

able to enter into reciprocal relations with foreign nations concerning travelers and temporary emigrants. Give the President full power to negotiate concerning travelers as well as immigrants, then the main purpose will be served and I shall then vote for this rule and the bill. In due course I shall offer suitable amendments to the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BURTON. Mr. Speaker, I sympathize in some degree with the argument of the gentleman who has just preceded me. There is a hardship to some immigrants. But the management of the immigrant service is extremely expensive and the aim is to make it, as far as possible, self-supporting. The Constitution of the United States recognizes the propriety of imposing a head tax upon immigrants. It is in an entirely different category and a different class from the ordinary visitor to this country.

Mr. CELLER. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. CELLER. I believe the gentleman stated that the Immigration Service was costly and expensive, but do we not know that it more than pays for itself?

Mr. BURTON. Whether that be so or not, it is a very expensive service.

Mr. CABLE. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. CABLE. In answer to the gentleman from New York, the figures show that under the act of 1924 the American consuls are compelled to spend very much more time than they did prior to the passage of that act.

Mr. CELLER. I took my figures from the report of Mr. Carr, in the Secretary of State's office.

Mr. CABLE. But the act had been in force only about six months at that time.

Mr. BURTON. As to the other argument, that this is an unlawful delegation of legislative power, I am surprised that it should be made seriously before this body. Why, my fellow Members, if Congress were to attempt to pass on every question which might be made a subject of legislation, it would cause such a crushing weight that we could not touch one side of the propositions presented to us. Every time a railroad rate is made between States by the Interstate Commerce Commission it is a violation of the principle that the gentleman from California maintains that we were violating in this bill.

In the act of 1897, in the very serious matter of the tariff, the President was allowed to make reciprocal trade treaties with other countries, thereby modifying the schedules provided for, in case equivalent concessions were granted by another country. In the most recent tariff act the President can raise or lower the tariff figures. It was the President who fixed the visé fee of \$1 in 1918.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. BURTON. Yes.

Mr. MOORE of Virginia. May I suggest that the propriety of delegated authority in this case, and in some other cases, has been tested by the fact that the bill fixes the standard governing the action of the President—that he is permitted to reciprocate with other nations as to the amount of visé fees.

Mr. BURTON. Yes; that entirely takes this bill out of the cases referred to by the gentleman from California. The President is to act only when a certain condition arises, or when a certain agreement can be made. The gentleman from New York [Mr. CELLER] answered his argument in regard to that.

Now, I do not wish to spend any great amount of time on it. I am not going to stand here and ridicule those who travel abroad; closer touch with other nations is the one thing that the people of the United States very much need. It is not the millionaire, it is not those who travel on the *Berengaria*, or the highest grades of ships, it is that great multitude of teachers, and in the petition I have here the first signers are professors in the university, who desire to gain greater knowledge on subjects they teach, and recreation. It is helpful and an education to our own people, it promotes international good will. In 1888 we did not claim to charge more than \$1, but under the circumstances of the war this rate was raised—or, rather, after the war, in 1920—and upon conditions which do not now exist.

Mr. MONTAGUE. Will the gentleman yield?

Mr. BURTON. Certainly.

Mr. MONTAGUE. I heard on yesterday from a reliable authority that already 30,000 American students were booked for a voyage across the Atlantic.

Mr. BURTON. And the cost to them would be \$40 or more apiece for visé fees.

Mr. COLE of Iowa. Is it not a fact that a great number of these students go in the steerage?

Mr. BURTON. Yes.

Mr. MONTAGUE. I might add that these students that I refer to are going at very low rates.

Mr. RAKER. Will the gentleman yield? It is curious, but in the hearings the school-teachers were only referred to once, and then there was an effort to hide behind the school-teachers, but the effort was made by the chambers of commerce.

Mr. BURTON. That argument can not weigh much. Of course, chambers of commerce are more active in propaganda. And I do not think we should treat with contempt chambers of commerce, whose salesmen go abroad and increase the sale of our goods and add to the prosperity of our workmen and of our employers. I am not going to see ridicule heaped upon them without answering it.

Mr. McSWAIN. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. McSWAIN. I desire to testify in that direction to the effect that several college professors who are personal friends of mine have appealed to me by personal letter, not any part of a propaganda at all, to relieve them if I could. I think they are the prime movers in this matter, because a man who is a rich globe-trotter does not mind paying thirty or forty dollars. That is an insignificant sum to him.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. BURTON. Yes.

Mr. SCHAFER. What percentage of those obtaining passports are school teachers?

Mr. BURTON. I should fancy a very large proportion, and that the number would be increased were it not for the burdens of the visé fees. Oftentimes that amount might even decide the question of whether a person would go abroad or not.

Mr. JOHNSON of Washington. Does not the gentleman seriously believe that there is a great deal in the point made by the gentleman from New York [Mr. Celler]? This bill authorizes a reciprocity. The other countries have to act first?

Mr. BURTON. Yes.

Mr. JOHNSON of Washington. We will say that any other country is deeply concerned in its immigrants, who are required by this law to pay a high visé to the United States consul. That country by the very nature of things will have to treat all of its nationals the same, whether they are travelers or are prospective migrants. I do not think they will come over with this reciprocity.

Mr. BURTON. Maybe not, but there is every probability that they will, for this reason. Prior to the war they paid no such fees. Again they are anxious to have visits from Americans. I have paid visé fees myself, beginning as late as 1903, when they were altogether nominal. As I understand it the State Department already has had intimation that other countries will reciprocate.

Mr. Speaker, one attack was made upon me and some advice offered as to what I would better do. Oftentimes people are very generous in their advice to others, when they might well straighten their own paths. But I have no time to answer trivialities, and I am not going to take up the time of the House to answer the attack that was made upon me.

Mr. FOSTER. Mr. Speaker, I might suggest that the gentleman from Texas, at the time he made the remark, was not aware that the gentleman from Ohio is so near to his people at home, as is attested by his 60,000 majority in the last election. [Applause.]

Mr. BURTON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—yeas 78, nays 22.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present, and I object to the vote upon that ground.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant-at-Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 250, nays 65, not voting 116, as follows:

[Roll No. 71]

YEAS—250

Abernethy  
Ackerman  
Aldrich

Almon  
Andrew  
Anthony

Arnold  
Bacharach  
Bacon

Bankhead  
Barbour  
Barkley

Beck  
Beedy  
Beers  
Bell  
Bixler  
Black, N. Y.  
Bland  
Bloom  
Boies  
Boyce  
Boylan  
Brand, Ga.  
Brand, Ohio  
Britten  
Browne, N. J.  
Browne, Wis.  
Browning  
Brumm  
Bulwinkle  
Burdick  
Burtess  
Burton  
Cable  
Campbell  
Carter  
Chindblom  
Clague  
Clancy  
Cleary  
Cole, Iowa  
Cole, Ohio  
Colton  
Connery  
Cooper, Ohio  
Cooper, Wis.  
Cramton  
Crosser  
Crowther  
Cullen  
Darrow  
Davey  
Davis, Minn.  
Davis, Tenn.  
Deal  
Dempsey  
Denison  
Dickinson, Iowa  
Dowell  
Drane  
Drewry  
Driver  
Dyer  
Eagan  
Elliott  
Evans, Mont.  
Fairchild  
Favrot  
Fenn  
Fish  
Fisher

Allen  
Allgood  
Blanton  
Bowling  
Box  
Briggs  
Buchanan  
Busby  
Byrnes, Tenn.  
Canfield  
Cannon  
Celler  
Collier  
Collins  
Connally, Tex.  
Cook  
Crisp

Anderson  
Aswell  
Ayres  
Begg  
Berger  
Black, Tex.  
Buckley  
Butler  
Byrnes, S. C.  
Carew  
Casey  
Christopherson  
Clark, Fla.  
Clarke, N. Y.  
Connolly, Pa.  
Corning  
Croll  
Cummings  
Curry  
Dallinger  
Dickstein  
Dominick  
Doyle  
Edmonds  
Evans, Iowa  
Fairfield  
Faust  
Fitzgerald  
Fredericks

Fleetwood  
Foster  
Frear  
Freeman  
Frothingham  
Fuller  
Gallivan  
Gambrell  
Garber  
Garrett, Tenn.  
Gibson  
Gifford  
Graham  
Greenwood  
Griest  
Griffin  
Guyer  
Hadley  
Hall  
Hardy  
Hastings  
Hawes  
Hawley  
Hersey  
Hickey  
Hill, Ala.  
Hill, Md.  
Hoch  
Holaday  
Hooker  
Howard, Okla.  
Huddleston  
Hudson  
Hull, Iowa  
Hull, Tenn.  
Hull, Morton D.  
Hull, William E.  
Humphreys  
Jacobstein  
Johnson, Wash.  
Kearns  
Kelly  
Ketcham  
Kless  
King  
Knutson  
Kopp  
Kurtz  
Kvale  
LaGuardia  
Lankford  
Larsen, Ga.  
Lazaro  
Leach  
Leatherwood  
Leavitt  
Leibach  
Lineberger  
Linthicum  
Luce

Dickinson, Mo.  
Doughton  
Fulmer  
Gardner, Ind.  
Gasque  
Gilbert  
Goldsborough  
Hammer  
Hill, Wash.  
Howard, Nebr.  
Hudspeth  
Jeffers  
Johnson, Tex.  
Jones  
Kincheloe  
Lanham  
Lozier

Free  
French  
Fulbright  
Funk  
Garner, Tex.  
Garrett, Tex.  
Geran  
Glatfelter  
Green  
Harrison  
Haugen  
Hayden  
James  
Johnson, Ky.  
Johnson, S. Dak.  
Johnson, W. Va.  
Jost  
Keller  
Kendall  
Kent  
Kerr  
Kindred  
Kunz  
Lampert  
Langley  
Larson, Minn.  
Lea, Calif.  
Lee, Ga.  
Lilly

McDuffie  
McFadden  
McLaughlin, Mich.  
McLeod  
McKernolds  
McSwain  
McSweeney  
MacGregor  
MacLafferty  
Magee, N. Y.  
Magee, Pa.  
Major, Ill.  
Major, Mo.  
Manlove  
Mansfield  
Mead  
Merritt  
Michaelson  
Michener  
Miller, Wash.  
Mills  
Minahan  
Montague  
Mooney  
Moore, Ohio  
Moore, Va.  
Moore, Ind.  
Morgan  
Morin  
Morris  
Murphy  
Nelson, Me.  
Newton, Mo.  
O'Brien  
O'Connell, N. Y.  
O'Connell, R. I.  
O'Connor, La.  
Oldfield  
Oliver, N. Y.  
Park, Ga.  
Parker  
Patterson  
Peery  
Perlman  
Purnell  
Ragon  
Rainey  
Ramseyer  
Ransley  
Rathbone  
Reece  
Reid, Ill.  
Robinson, Iowa  
Robison, Ky.  
Salmon  
Sanders, N. Y.  
Schaffer  
Schneider  
Sears, Nebr.  
Sherwood

McClintic  
McKeown  
Milligan  
Moore, Ga.  
Morehead  
Morrow  
O'Connor, N. Y.  
Oliver, Ala.  
Parks, Ark.  
Quin  
Raker  
Rankin  
Rayburn  
Reed, Ark.  
Romjue  
Rube  
Sanders, Tex.

Lindsay  
Logan  
Longworth  
Lowrey  
Lyon  
McKenzie  
McLaughlin, Nebr.  
McNulty  
Madden  
Mapes  
Martin  
Miller, Ill.  
Moore, Ill.  
Nelson, Wis.  
Newton, Minn.  
Nolan  
O'Sullivan  
Paige  
Peavey  
Perkins  
Phillips  
Porter  
Pou  
Prall  
Quayle  
Reed, N. Y.  
Reed, W. Va.  
Richards  
Roach

Shreve  
Simmons  
Sinnott  
Sites  
Smith  
Smithwick  
Snell  
Speaks  
Spearing  
Spraul, Ill.  
Stalker  
Stedman  
Stengle  
Stephens  
Strong, Kans.  
Strong, Pa.  
Summers, Wash.  
Sweet  
Swing  
Swoope  
Taber  
Taylor, Colo.  
Taylor, Tenn.  
Temple  
Thatcher  
Thompson  
Tillman  
Tilson  
Timberlake  
Tinkham  
Treadway  
Tucker  
Tydings  
Underhill  
Underwood  
Upshaw  
Vale  
Vare  
Vestal  
Vincent, Mich.  
Vinson, Ga.  
Volgt  
Wainwright  
Watres  
Wefald  
Welsh  
Wertz  
White, Kans.  
White, Me.  
Williams, Ill.  
Williams, Mich.  
Williamson  
Wilson, Ind.  
Wingo  
Winter  
Woodruff  
Woodrum  
Wyant

#### NAYS—65

#### NOT VOTING—116

Sandlin  
Sears, Fla.  
Steagall  
Stevenson  
Swank  
Taylor, W. Va.  
Thomas, Ky.  
Thomas, Okla.  
Vinson, Ky.  
Watkins  
Weaver  
Weller  
Williams, Tex.  
Wilson, La.

Rogers, N. H.  
Rogers, Mass.  
Rosenbloom  
Rouse  
Sabath  
Sanders, Ind.  
Schall  
Scott  
Seger  
Shallenberger  
Sinclair  
Snyder  
Spraul, Kans.  
Sullivan  
Summers, Tex.  
Tague  
Tischer  
Ward, N. Y.  
Ward, N. C.  
Wasen  
Watson  
Wilson, Miss.  
Winslow  
Woff  
Wood  
Wright  
Wurzbach  
Yates  
Zihman

So the resolution was agreed to.

The Clerk announced the following pairs:



## General pairs:

Mr. Madden with Mr. Prall.  
 Mr. Dallinger with Mr. Garner of Texas.  
 Mr. Perkins with Mr. Rogers of New Hampshire.  
 Mr. Faust with Mr. Cummings.  
 Mr. Begg with Mr. Lindsay.  
 Mr. Winslow with Mr. Croil.  
 Mr. Anderson with Mr. Black of Texas.  
 Mr. Mapes with Mr. Kindred.  
 Mr. Connolly of Pennsylvania with Mr. Lilly.  
 Mr. Nolan with Mr. Byrnes of South Carolina.  
 Mr. Porter with Mr. Logan.  
 Mr. Fredericks with Mr. Pou.  
 Mr. Sanders of Indiana with Mr. Garrett of Texas.  
 Mr. Free with Mr. Johnson of Kentucky.  
 Mr. Green with Mr. Tague.  
 Mr. Sager with Mr. Jost.  
 Mr. Kendall with Mr. Shallenberger.  
 Mr. Longworth with Mr. Harrison.  
 Mr. Johnson of South Dakota with Mr. Wilson of Mississippi.  
 Mr. French with Mr. Rouse.  
 Mr. Paige with Mr. Quayle.  
 Mr. Newton of Minnesota with Mr. Dominick.  
 Mr. Curry with Mr. Lyon.  
 Mr. Butler with Mr. Corning.  
 Mr. Yates with Mr. Lee of Georgia.  
 Mr. Tincher with Mr. Buckley.  
 Mr. Funk with Mr. Wright.  
 Mr. Phillips with Mr. Geran.  
 Mr. Reed of New York with Mr. Hayden.  
 Mr. Evans of Iowa with Mr. Sullivan.  
 Mr. Wood with Mr. Kent.  
 Mr. Christopherson with Mr. Ward of North Carolina.  
 Mr. Wurzbach with Mr. Johnson of West Virginia.  
 Mr. Zihlman with Mr. Doyle.  
 Mr. Ward of New York with Mr. Sumners of Texas.  
 Mr. McKenzie with Mr. Glatfelter.  
 Mr. Clarke of New York with Mr. Richards.  
 Mr. Wason with Mr. Martin.  
 Mr. McLaughlin of Nebraska with Mr. Fulbright.  
 Mr. Watson with Mr. O'Sullivan.  
 Mr. Miller of Illinois with Mr. Clark of Florida.  
 Mr. Edmonds with Mr. Lowrey.  
 Mr. Moore of Illinois with Mr. Carew.  
 Mr. Fairfield with Mr. Lea of California.  
 Mr. Scott with Mr. Aswell.  
 Mr. Sproul of Kansas with Mr. Kerr.  
 Mr. Haugen with Mr. Ayres.  
 Mr. Rogers of Massachusetts with Mr. Kunz.  
 Mr. James with Mr. Casey.  
 Mr. Fitzgerald with Mr. Sabath.  
 Mr. Nelson of Wisconsin with Mr. McNulty.  
 Mr. Sinclair with Mr. Dickstein.  
 Mr. Lampert with Mr. Wolff.  
 Mr. Keller with Mr. Berger.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

#### AUTHORIZING THE PRESIDENT IN CERTAIN CASES TO MODIFY VISÉ FEES

Mr. FISH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 11957).

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11957, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11957, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11957) to authorize the President in certain cases to modify visé fees.

Mr. FISH. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FISH. Mr. Chairman, I would like to reach an agreement with the gentleman in charge of the bill on the other side.

The CHAIRMAN. The time for debate is fixed in the original rule. The gentleman from New York is entitled to a half an hour and the gentleman from Texas a half an hour.

Mr. FISH. I wanted to make sure the gentleman from Texas was in charge of the bill on the other side.

Mr. CONNALLY of Texas. I am not in charge of the bill, but in charge of the opposition.

Mr. FISH. Is the gentleman in charge or Mr. LINTHICUM?

Mr. CONNALLY of Texas. Mr. LINTHICUM does not claim it and I do.

The CHAIRMAN. The gentleman from New York is recognized for half an hour and the gentleman from Texas for a half an hour.

Mr. FISH. Mr. Chairman, this bill simply authorizes the President to negotiate with foreign countries to reduce or waive the visé fees. It does not affect the issuance of passports; it does not affect visé requirements. At the suggestion

of the Chairman of the Committee on Immigration, who came before the Committee on Foreign Affairs, we agreed to change the bill so it would only affect visé fees. He pointed out that if we did away with the visé requirement that it would provide a loophole for nonimmigrant aliens coming into this country and the authorities would have no check over them while they were here. This bill is very simple in its nature. It simply empowers the President to negotiate with foreign governments to reach similar arrangements to reduce the visé fees. Now the question is, How much does this involve, how much in receipts will the Government lose if this bill goes into effect. The maximum that the Government could lose in receipts would be \$680,000.

There are 68,000 nonimmigrant aliens who come into the country each year. But it is generally understood that the President would not be able to negotiate with all these foreign Governments that charge visé fees and persuade them to reduce or waive the visé fee; but it is hoped that a large number of them will reduce or waive the visé fees, and further it is hoped that those countries that have no such immigration policy or are confronted with such immigration problems as we have in this country will not only waive the fees but will do away with the necessity of getting visés. That is the hope and expectation of our State Department, and I make the statement on the authority of the State Department that they are hopeful that many nations which have not the immigration problems we have will do away not only with the fees but the entire visé requirements.

Mr. TILSON. Will the gentleman yield right there?

Mr. FISH. I will.

Mr. TILSON. Could we do the same thing? Could we waive ourselves entirely the fees as to nonimmigrants?

Mr. FISH. Certainly; the Congress of the United States has power to do away with the fees and the visé requirements, and the reason we are not abolishing the visé requirement is that the chairman of the Committee on Immigration has pointed out that it would provide a loophole for nonimmigrant aliens to remain once they are here.

Mr. TILSON. I mean, is it a practical proposition to visé those who come as immigrants and not visé the others?

Mr. FISH. Well, of course, this committee has no jurisdiction over the immigrants coming into this country. Now, another point that has been raised here is the question of what will it cost the Government if this bill is enacted into law? It costs our travelers and our commercial men who go abroad anywhere from three to four visés; and if the visé is \$10 each, which is the normal sum in most countries, it amounts from \$30 to \$40, and add to that the passport of \$10, making a total of about \$5,000,000 to American citizens for passports and visés. This bill aims to do away with this unequal burden upon American citizens amounting to \$5,000,000, when we get in return only \$680,000 for the visés of nonimmigrant aliens.

Mr. RAKER. Will the gentleman yield?

Mr. FISH. I will.

Mr. RAKER. The gentleman did not intend to make that statement that you have to pay \$10 for a visé and \$10 for a passport?

Mr. FISH. Certainly. Every American citizen who leaves this country, and there are 121,000 who pay annually \$10 apiece for passports, and if the gentleman wants detailed information, there are about 179,000 Americans who go abroad each year, but only 121,000 who pay for passports. The balance travel on special or diplomatic passports. The consular and diplomatic agents receive diplomatic passports and Members of Congress special passports, both free of charge. American citizens pay out \$1,120,000 annually for passports alone.

Mr. CELLER. Will the gentleman yield?

Mr. FISH. I will.

Mr. CELLER. Why did the committee or the gentleman limit the provision of his bill to travelers, and why did not they extend the proposition to immigrants?

Mr. FISH. I will answer the gentleman. It costs a large sum of money to conduct our Consular Service, and the Consular Service is conducted largely for the purpose of investigating the immigrants coming into this country and granting visés, and you will note that our travelers abroad do not go to our consular officers to get visés; they have to go to the foreign consulates to get visés. I think it is only fair that the aliens coming into this country to remain here and who get their visés in that way should pay \$10. I think \$10 is very reasonable.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. CELLER. Does not the gentleman think that countries like Sweden and Germany and others that are interested in

their nationals, when the President says, "Reduce the fee to travelers," will say, "We will also reduce our fees to travelers, as most of our people go as immigrants to America?"

Mr. FISH. I do not think so, because the State Department has told our committee that they are of the opinion that these countries will reduce or waive the visé fee. Furthermore, I have just heard to-day that Germany reduced her visé fee down to \$1. It is in to-night's paper. The statement was that it was done in order to encourage American visitors to come into their country; a lot of students, teachers, Government employees, and men and women of moderate means are unable to afford paying for visés, as traveling itself is expensive. The German Government reduced the fee to \$1 voluntarily, according to to-day's paper.

Mr. JOHNSON of Washington. That is on the six months' permit?

Mr. FISH. Yes; for travelers, for six months or a year.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. JACOBSTEIN. Is it not a fact that when a country like Germany reduces her visé fees others will naturally do the same to encourage our tourists?

Mr. FISH. Yes.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. LINTHICUM. Does not the gentleman estimate that too high as \$5,000,000? I notice in the hearings it was said \$2,000,000, and in another place it was said to be between \$2,500,000 and \$3,000,000.

Mr. FISH. The gentleman is correct, but the gentleman does not include what was spent for passports. The amount paid by American citizens for visés is estimated at \$3,363,000, and for passports at \$1,121,000. Many of us believe that three countries visited is a low average, and that \$30 would be a low average for the 112,000 American travelers. Our Consular Service shows a surplus of \$1,500,000, or showed it at the end of the fiscal year ending June 30, 1924. If this bill goes through, there will still be a surplus of over \$1,000,000 above the receipts from our Consular Service. I maintain that this bill will not cost more than \$400,000, and at the maximum not more than \$600,000, as we will probably not be able to negotiate with certain countries, so that the cost will only be brought down to \$400,000.

Mr. CELLER. These are for immigrant passports. You would simply use up that sum of \$1,000,000.

Mr. FISH. I am yielding to the gentleman from Maryland [Mr. LINTHICUM], a member of the committee.

Mr. LINTHICUM. The figures the gentleman gives are approximated on the cost prior to the additional cost of the Rogers bill. The gentleman must not forget that.

Mr. FISH. Even then it shows a surplus for the Consular Service of \$1,000,000 after this bill passes.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York has 19 minutes remaining.

Mr. CONNALLY of Texas. Mr. Chairman, I yield myself 15 minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 15 minutes.

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, in the discharge of my duty as a member of the committee, a duty which each member of a committee reporting a bill owes to his colleagues, to endeavor to explain measures that come from his committee—I say in discharge of that duty I want to try to outline what this bill proposes to do.

Prior to the war the law provided that for each passport visé the Government would collect \$1 for the application and \$1 for the visé, making \$2 collected by American consuls for vising the passport of any foreigner presenting such a document. After the war there was pending in this House an annual State Department appropriation bill. Just prior to that time, in hearings before the Committee on Foreign Affairs, it had been developed that considerable revenue could be properly raised by increasing the fee to \$5; and so, that fact having been developed, when that bill was on the floor I offered an amendment raising the visé fee from \$2 to \$5. The gentleman from Pennsylvania [Mr. PORTER], I think it was, made a point of order against it, and it went out. The bill then went to the Senate, and Senator Lodge, chairman of the Committee on Foreign Relations of the Senate, secured the adoption of an amendment raising the fee to \$10, or \$1 for the application and \$9 for the visé, and the House concurred in that amendment.

Now what was the effect of that amendment? At that time large numbers of immigrants were coming to the United

States, and for the first year of that law's operation it brought into the Treasury of the United States, as I now recall it, more than \$5,000,000 that had never before been received from that source. At the present time, with the decreased volume of immigration, the visé law to-day brings in \$3,700,000 annually.

My duty will be discharged when I tell you the facts, and then it will be your duty to say whether or not you want to cut off some of that revenue and give it to those who are traveling in Europe either for their pleasure or their profit. I repeat, at the present time this bill is bringing in \$3,700,000 annually. Why? Because it applies not only to aliens, but to all travelers coming to the United States.

The framers of this bill said to themselves: "This House will never stand for removing the fee in the case of immigrants. This House would not stand for the loss of that money to the Treasury." What do they propose to do? The commercial interests, represented by the United States Chamber of Commerce, and other organizations want their representatives in Europe to be saved the payment of visé fees.

So what do they propose to do? They propose to authorize the President to negotiate with foreign governments and say to foreign governments: "If you will reduce the visé fees of our travelers abroad, we in turn, shall reduce our fees," not on immigrants but on travelers for profit or pleasure to the United States. This bill's effect is confined to the reduction of the revenue now derived from the vising of passports of travelers for pleasure and profit, and that revenue is now putting into the Treasury of the United States the sum of \$687,000 annually.

There are 100,000,000 and more people residing in the United States who never go to Europe, and there are 121,000 people in the United States who do go to Europe each year, or did last year. What are you going to do about it? We are getting \$687,000 each year. That is the amount those travelers are indirectly paying into the Treasury of the United States. Do you believe it is fairer for the 100,000,000 people who do not go to Europe to pay that \$687,000, or do you believe that the 121,000 people who do go to Europe should pay for the privileges of a passport visé? Do you believe that those who avail themselves of the privileges of a passport, who do take up the time of our consular offices in rendering them services, in facilitating their travel and in administering to their comforts, should pay for a part, at least, of the service which the Government is rendering them? I believe it is fairer for the traveler in Europe to pay that small part of the cost of maintaining our foreign service than I do that the people who remain at home and do not get the benefit of that service should pay it.

That is the issue here. I am frankly basing my opposition to this measure largely on considerations of revenue.

The gentleman from New York stood here and pretended to claim that the cry for this measure was coming from the school-teachers over the country. Of course, if a school-teacher goes to Europe he will have to pay a visé fee just like anybody else. I would be glad if they could go there without paying it if it did not cost some other taxpayer something to pay it for them. The gentleman from Ohio stood here and read a petition signed by the passengers on some ocean-going liner. Of course, they want to reduce the fee. Did you ever know anybody who had to pay any kind of a fee, who if he could would not reduce it? Of course, they want to reduce it. They want to abolish it altogether. But when you reduce it you thereby increase the fees that the people who are at home are going to have to pay the taxgatherer on the 15th day of March when he collects their income tax.

Now, let us see about this. We maintain our Consular Service abroad. What for, my friends? We maintain the Consular Service abroad for the convenience of our travelers and for the convenience of our citizens in foreign lands who may be doing business for profit or residing abroad for pleasure. We maintain our embassies abroad and we pay for them out of the Treasury of the United States. For what? For your convenience and mine when we are sitting by our firesides? No. We are paying those sums in order to protect the interests of our citizens abroad, to minister to their comforts and to their conveniences. Is it not, then, unreasonable that our citizens who go abroad, and for whom all of these services are provided, should complain?

Mr. COLE of Iowa. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. COLE of Iowa. That is not the only purpose for which we maintain consular offices and embassies.

Mr. CONNALLY of Texas. No.

Mr. COLE of Iowa. To represent the whole country.



Mr. CONNALLY of Texas. I did not say that was the only purpose and I do not think anybody concluded from what I said that we do not have them there for the purpose of maintaining our diplomatic relations with the world. But the gentleman knows that those diplomatic relations largely arise from the contracts of our citizens in foreign lands. The gentleman knows that, and I will go further than I did and say that the primary purpose is for the protection of our people abroad and of their property interests abroad, and I will say that the major portion of their time and the major portion of their industry and activities is devoted to the interest of our citizens traveling or residing abroad or who are conducting business operations abroad. I stand by that statement.

Now, let us see about this. That is not all. I believe in protecting American citizens abroad, and I believe in upholding their rights. I voted in this Chamber, when I had been here only a few days, to plunge this country into war in order to protect American citizens abroad and American property abroad, and we spent from \$20,000,000,000 to \$40,000,000,000 to do it, and we poured out on the soil of France the blood of 100,000 of the best manhood of the country. Then is it not unreasonable that people who travel abroad and that citizens for whom we make such sacrifices at home should complain at the Government because it exacts a \$10 fee for viséing passports? That is the doctrine of these gentlemen.

Mr. WEFALD. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. WEFALD. Does not the gentleman think we ought to make it as cheap as we can for the mothers, fathers, sisters, and brothers to go and view the graves over there? [Applause.]

Mr. RAKER. Will the gentleman yield?

Mr. CONNALLY of Texas. In just a moment. Let me answer the gentleman. Does the gentleman know of a single father or mother that will be deterred from going to France to visit at the grave of her son by the \$10 visé fee which the French Government might exact? [Applause.]

Mr. O'CONNELL of New York. Will the gentleman yield to me?

Mr. CONNALLY of Texas. I yield to the gentleman from New York.

Mr. O'CONNELL of New York. I will say to the gentleman that we have been trying for several months to get a bill through the committee and through the House to send them there at the expense of the Government, and that is the way they ought to go.

Mr. RAKER. Will the gentleman yield?

Mr. CONNALLY of Texas. I yield to the gentleman.

Mr. RAKER. Is it not a fact that the law does not now require from the very ones named a fee for a passport to go to France, and the foreign countries do the same thing, so that there is no fee charged to the father, mother, brother, or sister to go over and visit the graves of their son or brother abroad?

Mr. CONNALLY of Texas. I thank the gentleman for that information, and I pass it on to the gentleman from Minnesota.

Mr. WEFALD. Will the gentleman yield?

Mr. CONNALLY of Texas. Very briefly.

Mr. WEFALD. Does not the gentleman know that a lot of very poor people go back to Europe to visit their fathers and mothers and to visit the home place?

Mr. CONNALLY of Texas. If they go often, they will continue to be poor.

Mr. WEFALD. Does not the gentleman think it is a good thing that they should see their mother country once in a while?

Mr. CONNALLY of Texas. Because some poor people want to go to Europe to see their kinfolks constitutes no valid reason why the Government of the United States ought to tax other poor people who do not go to Europe in order to make it easier for those who do go. [Applause.] Let me say to the gentleman that if it is only worth \$2 to visé the passport of a foreigner who is traveling in the United States for pleasure or in order to make money, why is it right for the Government of the United States to tax the kinsmen of some of those of whom he speaks who come to this country as immigrants?

I voted for the immigration bill, and I am in favor of restricting immigration, but when we by law admit people to come to the United States we are thereby saying to those people that we welcome them; that they are fit material to become American citizens, and we want them to become articulated into the life of this Republic, and we want them to become prosperous and to find occupation in the economy of our system. Is it right to say to those immigrants, "We will charge you \$10 a head for viséing your passports?"

"It is true we are going to make citizens out of you, but in order to get the revenue—for the purpose of getting revenue—we are going to close the door in your face unless you pay us \$10 as a visé fee." But to some foreigner who comes to America not for the purpose of becoming a citizen, but some foreigner who comes here for the purpose of traveling purely for his own pleasure or some foreigner who comes here to compete in business, we say to such a man, "We shall not charge you anything for viséing your passport. You never expect to become a citizen. You do not come here to help us, but you come here to help yourself and we will charge you nothing." But the immigrant that we want, the immigrant that we expect to become a part of our people, who is worthy to partake of our liberty and our institutions, we do not want him badly enough to admit him unless we first make him pay \$10. [Laughter and applause.]

Mr. BLANTON. Will the gentleman yield?

Mr. CONNALLY of Texas. In just a moment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I yield myself three minutes more.

I yield to the gentleman from Texas.

Mr. BLANTON. Can you improve on the old-time system of letting the dancers pay the fiddler?

Mr. CONNALLY of Texas. Abstractly that is a pretty sound maxim. I do not believe in making travelers abroad pay all the cost of all the services that we render them, but I do believe that it is just and that it is fair to make them pay something toward the maintenance of our foreign service abroad.

Mr. BLOOM. Will the gentleman yield?

Mr. CONNALLY of Texas. Let me first show the absurdity of the position of the gentleman from New York [Mr. Fish]. The gentleman says that if we simply reduce these fees to \$2 we will thereby relieve our people of this great burden. The gentleman says we pay three times as much for traveling abroad as we get back, because he says American travelers will visit three countries and foreigners traveling in the United States will visit only one. However much the fee may be reduced, the ratio would remain the same. The traveler visiting three countries would pay three times as much as a visitor to one.

Mr. BLOOM. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. BLOOM. The gentleman does not mean to say three times as much, he means proportionately.

Mr. CONNALLY of Texas. Proportionately, of course.

Mr. BLOOM. Now, the gentleman brought me into this. [Laughter.] He says there are 110,000,000 people of the United States who do not receive any benefit of this passport visé proposition. Is it not a fact that every resident or citizen of the United States receives some benefit if they want to travel? It is not the same people that travel every day, it is something you give 110,000,000 people that they may receive some benefit from it.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. I yield myself two minutes more. Who are the interests pushing this bill? Whom did we have before us? The gentleman from Ohio says the school-teachers are crying for this measure, and the gentleman from New York [Mr. Fish], great strong man that he is, gets around behind a petticoat and says that the school-teachers want it. He says that the school-teachers are crying for it. Of course, any school-teacher that may travel in a foreign country wants the fee reduced. Who came before the committee? Why, the United States Chamber of Commerce and the Chamber of Commerce of Portland, Oreg.

Mr. WATKINS. That is good.

Mr. CONNALLY of Texas. If I thought the Chamber of Commerce of Portland was as good as the Representative from that city [Mr. WATKINS] I would agree to that statement. I want to quote a witness who appeared before the committee. He said he was a traveling man, and he traveled in northern Europe. He said it was burdensome to pay the visé fees on account of the United States fixing them at \$10. He said he came into competition with the rest of Europe and that it was very harmful and very hurtful. I let some other gentleman examine him a while and then I asked him a few questions, and then I said, "By the way, what line of goods do you handle in Europe?" He said, "I sell textiles." I said, "Do you do any business?" He said, "We do a very large business in Scandinavia." He was making money, doing a very large business, and yet he complains because he had to pay a \$10 visé fee to the country in which he does business.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. CONNALLY of Texas. I reserve the balance of my time.

Mr. FISH. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. TEMPLE].

Mr. TEMPLE. Mr. Chairman, we have been interested, of course, in what has been said by the gentleman from Texas [Mr. CONNALLY]. I am sure that the gentleman did not intend to convey the idea that the money paid by American travelers for visés goes into the United States Treasury. It does not, it goes into the treasuries of the foreign countries.

Mr. CONNALLY of Texas. The gentleman does not mean that?

Mr. TEMPLE. That is exactly what I do mean. I said that I was sure that the gentleman from Texas did not mean that it went into the Treasury of the United States.

Mr. CONNALLY of Texas. I said that the money we got from the visé of passports of foreigners goes into the Treasury of the United States.

Mr. TEMPLE. There is no dispute about that. The gentleman did not hear what I said. I said that the gentleman did not mean to say that the money paid by American citizens for viséing American passports went into the Treasury of the United States. It does not.

Mr. CONNALLY of Texas. Nobody ever said that it did.

Mr. TEMPLE. The money that goes into the Treasury of the United States is money paid by foreigners for viséing passports of other countries. Now, how much money does the Treasury receive for viséing passports? About 68,000 foreign tourists and other travelers, who might be affected by this bill, pay about \$680,000 to American consuls, which goes into the Treasury of the United States. Now, in order to get that sum into the Treasury of the United States, 121,000 American citizens traveling abroad pay \$10 each for the visé of his passport by each of several countries. If a man goes to England and has his passport viséed for England he pays \$10 to a British consul. If he wants to go also to France he has to pay to France \$10 more for that, and if he wants to go to Italy he has to pay \$10 additional to Italy for his Italian visé. That amounts to a tax by foreign countries on American citizens of \$20 to \$40 apiece, or perhaps as much as \$100 apiece if the traveler is going to as many as 10 countries. American citizens numbering 121,000 pay approximately \$3,000,000 to foreign countries in order that we may get \$680,000 for viséing the passports of foreign tourists and commercial travelers coming to the United States. Is that a square deal? Are we dealing squarely with our own people? This bill would authorize the President to negotiate with foreign countries with a view to reaching reciprocal arrangements so that we may reduce or abolish visé fees on passports of nonimmigrant travelers from countries which make like concessions to similar travelers from the United States.

Such arrangement would be reciprocal. It could not possibly injure any foreign country, because it can not be done without the consent of that country. More than that, even if the \$687,000 estimated to come into the American Treasury from this source, which may not come in if the negotiations contemplated under this bill be successful in every case, were not received at all, the remaining fees received by the Consular Service would still pay all the expenses of the Consular Service and leave a surplus of about \$1,000,000 a year. American travelers are asking for this.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. JACOBSTEIN. Are these figures ones that will obtain under the new immigration bill and the increased cost of our Consular Service under the Rogers bill? Will we still have a surplus of a million dollars?

Mr. TEMPLE. This estimate comes from the State Department, and is an estimate of the surplus during the past year.

Mr. JACOBSTEIN. That was as of July 1 of last year, before the Rogers bill took effect and before the new provisions of the new immigration law went into effect.

Mr. TEMPLE. My understanding is that it was an estimate, and the figures were based upon past experience.

Mr. JACOBSTEIN. Understand, I am for the bill, but I am afraid that if there is a deficit it will be charged up against the immigrant.

Mr. TEMPLE. There can be no deficit because of this bill. The appropriations provided for in the diplomatic and consular bill come out of the Treasury and not out of this fund.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FISH. Mr. Chairman, I yield two minutes to the gentleman from Michigan [Mr. CLANCY].

Mr. CLANCY. Mr. Chairman, as a member of the committee that reported out this bill, I am in favor of it. My good friend the gentleman from Texas [Mr. CONNALLY], I take it, endeavored to argue that the 110,000,000 people do not properly share in the benefits which come to this country from the travel abroad last year of some 112,000 American citizens. Let me take a concrete instance—my own city of Detroit. Many of the travelers of 1924 were drummers, commercial salesmen, who were combing the markets of Europe to sell our products. We lead the world in many commodities. The export trade gained by these men abroad has been one of the main contributing factors to make Detroit, per capita, the richest city in the world, a city which has risen in the last few years from sixteenth in population in the United States to the position of fourth. The constituents of the gentleman from Texas [Mr. CONNALLY] are familiar with the wealth of that city, if the gentleman is not.

Mr. CONNALLY of Texas. Oh, we help make some of them.

Mr. CLANCY. That is evidenced by the fact that many of his constituents have come to my city, and I have proof of that in the fact that I have helped to get some of them out of jail. [Laughter.]

These high fees are a war-time restriction on business, on education, on recreation, and absolutely unwarranted. They should be removed or curtailed. The bill merely gives power to the President to negotiate reciprocal arrangements along these lines. At the present time the countries of Europe retaliate against Americans who go abroad to visit there, and in the last analysis we lose. The Secretary of State has recommended that this bill be passed, as has the Secretary of Commerce, and I sincerely hope that we will pass the bill before we leave here to-night.

Individual business men and associations of business men are against the present high fees. Complaints have multiplied until these exorbitant fees are a high point of irritation in American foreign commerce relations. The cost often runs from \$50 to \$100 for an American traveler.

This bill provides for reduction of these passport visé fees to a reasonable charge. The President of the United States, the Secretary of State, and the Secretary of Commerce favor its passage.

This measure provides for reciprocity in visé charges. The present system is one of retaliation. European countries retaliate against the United States visé regulations by levying a \$10 visé tax against our business men, teachers, and other American travelers in Europe. Americans get the worst of the deal.

Gentlemen speaking against the adoption of this bill on the floor to-day have made a great point on the amount of revenue gained for the United States Government by the present visé charges and have referred to the cost of maintaining the Consular Service abroad.

As a matter of fact, the total consular fees received during the year 1924 amounted to \$6,700,000 and over. The cost of the Consular Service for 1924 was about \$5,000,000. Therefore the Consular Service was not only self-sustaining, but the profit was approximately \$1,700,000.

These visé charges and profit represent a handicap and penalty against salesmen and business men who travel abroad to get export business for the United States. The same kind of a penalty or handicap is laid upon school-teachers, students, and others who travel abroad for educational purposes. There is even an undue hardship against those who travel for health and recreation.

These odious fees could be greatly cut down by negotiations of our Government with other governments, and business education and recreation would be correspondingly stimulated.

American business particularly has such a terrific struggle to gain markets of the world in competition with England, Germany, and other countries, who leave no stone unturned in the way of subsidies and favorable arrangements that Congress should be very careful to lend a helping hand to American business men whenever possible. It has been charged that the United States Chamber of Commerce sent its representatives to our committee and argued for the reduction or abolition of these visé fees. What of that? It merely proves that this organization is alert and patriotic in this instance. Whatever propaganda they have used in this case to get favorable action from Congress is for the benefit of the American workingman, manufacturer, and provider of raw materials.

Summing up, a number of foreign governments already have reciprocal arrangements by which visés are abolished or visé



charges reduced to a minimum. The bill before us aims to aid the American by relieving him from an unnecessarily high tax; it authorizes the President to reciprocate with us if we reduce or abolish our own visé fees on nonimmigrant travelers, and they reduce or abolish their fees charged to Americans traveling in their territory.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FISH. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, it seems to me that every argument that has been made against the bill can be disregarded except the one argument advanced by my respected friend from Texas [Mr. CONNALLY]. And it strikes me that his argument ought not to weigh against the considerations that make in favor of the passage of the bill. The simple question the bill presents is whether we will relieve Americans who go abroad of a tax which now I think is properly characterized as unjust. Of course, the people who go abroad are of different classes. There are business people, like those described by the gentleman from Michigan [Mr. CLANCY], but there are a great many people who are not engaged in business who go abroad. I happen to represent a rural district, and I find there is a growing inclination and desire upon the part of the people of my district to visit Europe for recreational and educational purposes. It seems to me, if we can fairly do so, that we ought to unite in fostering that desire. Since the war, not before the war, any person of moderate means wishing to make a tour of Europe, not an extensive tour, and not covering a long period, is required to incur, in addition to the ordinary traveling expenses of the return trip, which have increased, an expense of from \$30 to \$40 to \$50 to \$100 in the payment of visé fees. Is that a thing that ought to be longer tolerated? That tax makes against the number of those who go from this country to the old country. It does another thing. It makes against the travel which we are endeavoring to stimulate on vessels owned by the Government of the United States, which we ought to encourage if we can in any reasonable way.

There would not be much in this question if there were a United States of America and at the same time a United States of Europe, but when the traveler reaches the other side, say he lands in England, he pays a visé fee there. He crosses the channel and he finds himself paying a fee in France. He goes into Italy and makes an additional payment there, into Germany and he makes another payment, and so on; and we remember the fact that as a result of the war, portions of Europe have been divided into a number of new nationalities, very small nationalities, and the boundaries are very quickly crossed. Whenever a boundary is crossed an additional visé fee has to be paid.

Thus it is stated in the hearings that the average amount paid by a traveler is from \$40 to \$50. Now, Mr. Chairman, it impresses me that the time has arrived when we ought to get rid of that condition, even if it involves a small amount in the loss of revenue to the Treasury, and even though, while it benefits the many people who are not active in the industrial business of the country, it happens also to benefit the people who are engaged in that business. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Mr. FISH. Mr. Chairman, I yield three minutes to the gentleman from Minnesota [Mr. WEFALD].

The CHAIRMAN. The gentleman from Minnesota is recognized for three minutes.

Mr. WEFALD. Mr. Chairman, I wish I had the composure and the stage presence and the golden voice of the gentleman from Texas [Mr. CONNALLY], who lectured me a little while ago when he spoke. I hope some day that I shall be able to acquire composure something like his, but I fear I shall never be able to acquire his stage presence nor his golden voice. [Laughter.] I want to apologize to him for not following his leadership here to-day. I have got into the habit here of following the leadership of Texas, but I can not do it all the time, and when I do not follow his leadership all the time, I occasionally make a mistake, such as I possibly will make here to-day by voting for this measure.

I want to say that I expect to make many mistakes during the time I am here, and I feel free to make them because I am an absolutely free man. I am the freest man in this House. I have no boss.

This measure may benefit the rich people, but I know it will also benefit some poor people.

Mr. CLAGUE. Will the gentleman yield?

Mr. WEFALD. Yes.

Mr. CLAGUE. Do I understand the gentleman is not married?

Mr. WEFALD. I am married.

Mr. CLAGUE. But the gentleman said he had no boss? [Laughter.]

Mr. WEFALD. No political boss. I want to say that out where I live we are still not ashamed to remember that we have kin folks in Europe and in other parts of the world. I want to say that out there there are thousands of poor men and women who make pilgrimages to the old home from which they came, and I shall vote for the measure which is now before us because it will be one means of making such a trip cheaper for them. I shall vote for this measure because I want to make as free as possible the intercourse between the rest of the world and the United States.

Mr. Chairman, among those who have had a considerable bit to do with the building up of this great country are the Germans and the Scandinavians of the Northwest; without them the Northwest would yet to-day be a wilderness, but they are, perhaps, recent arrivals in this country as compared with those who live in Texas and other parts of the country and who imagine that upon their shoulders alone rests the troubles of a troubled world. Yet these people are as patriotic as are those who live in any other part of our country, including California and the Pacific coast. These Teutonic people I speak of, Mr. Chairman, may have ripened into good Americans more slowly than some of the rest of the racial strains here; but if so, they have ripened more thoroughly than many others; their vision is broader than is the vision of those who think that they alone are the keepers of the gates of America. In the Northwest we have not been ashamed to keep up spiritual communication with the rest of the world, for while we know that America is the finest, the best, part of the world, the land we love and the land that is ours, we know that it is not the whole world, nor has it a monopoly on all the virtue in the world. We are not afraid of new ideas; we welcome them, and we believe yet that the Old World will be benefited by again coming in contact with the ideas of America. I resent the insinuation of the gentleman from Texas [Mr. CONNALLY] that I in voting for this bill have forgotten the immigrants. I have been an emigrant myself, and he has not; if he and other splendid gentlemen of his type had a clearer realization of what an emigrant is and how useful the average emigrant is here, we would get better immigration laws than we now have. I know of my own experience how when a person who had emigrated to America came back for a visit the news of it ran from one end of the valley to the other like a prairie fire over our prairies out West, and I know what a splendid influence for good it was when a good, clean, moral person who had done well here came back and told the wonderful story of America. Up until the time of the war the intercourse was free and unrestricted between America and the northern countries of Europe; not even a passport was needed; I suppose it was the same in regard to most countries of Europe. I vote for this bill as a means of again opening up intellectual intercourse with the rest of the world, as a means of doing away with hatred and prejudice, as a means of again bringing the gospel of brotherly love from land to land.

Mr. Chairman, it is this year a hundred years since the emigration from Norway to this country got its real start. In October, 1825, the small sloop *Restaurationen* landed the first small group of Norse emigrants that became the forerunners for men and women that should build a mighty empire, together with other northern people, in that part of our country that has rightly been referred to as the "bread basket of the world." The American Norsemen are going to hold a centennial celebration this year; they are going to take a few days off from their labors and take stock of themselves; they have invited their kinfolk across the sea to come and help them celebrate, have invited them to come and inspect the 13,000,000 acres of fine farm lands that they own, and which the last census valued at about \$880,000,000. Thousands of Norwegian-American pioneers of the Northwest are going to go back this year and take a last look at the old nest they once flew out from, and the passage of this bill will help realize a long-cherished dream. When these people came here there were no passports and no visés needed, neither here nor in Europe; then no man was considered a criminal until he was proven to be one. Many an old farmer has told me that he wished to go back to look at his birthplace and his father's and mother's grave, but that he was afraid to go under the new regulation, that imposes so much hardship and expense and that might even result in his being shut out from his own home that he has paid for with his sweat and his blood and from his own country. For the sake of these patient toilers that wish to take a holiday and that have so well earned it I vote for this bill. It is not only the millionaires and the

sales drummers that go to Europe; if I by voting for this bill incidentally help the rich, I am sure I will be pardoned, for I have so seldom voted to help them since I came here. In that respect I will set my voting record up against that of any other Member.

Mr. Chairman, we are often told that people should see this country first before they go to see any other part of the world. So they should, but I have observed that the person that talks that way is so often contented to sit still right at home and sees very little of this country. By seeing other countries such a person will come back home with eyes to see his own country more beautiful than he ever saw it before. Let us again have the fullest and freest intercourse with the rest of the world; let us have exchange of ideas, that will again bring about the interchange of the products of industry to a better advantage. Much has been said about American school-teachers going to Europe for their vacation. Those who oppose the bill have made light of it. I say I wish that every school-teacher in America could go to Europe for a summer vacation. I would even vote to pay part of their fare. It would be the greatest insurance against war that we could ever think of. We could soon begin to cut down the estimates for Army and Navy then. Hands across the sea! Let us throw away the swords of sarcasm and the bayonets of suspicion.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FISH. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The time of the gentleman from New York has expired and the gentleman from Texas [Mr. CONNALLY] has three minutes remaining.

Mr. CONNALLY of Texas. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. LOZIER].

Mr. LOZIER. Mr. Chairman, according to financial authorities, Americans who traveled abroad last year spent in their travels approximately \$500,000,000. This represented amounts paid by American tourists to European railroads, European steamship companies, European hotels, and for European amusements. This bill does not propose to reduce the fees for passports or visés issued by our Government to our citizens who travel abroad, but by its terms it authorizes the President to reduce or abolish altogether the visé fees charged aliens who come to this country from foreign lands not as immigrants, but as tourists, travelers, students, or for business purposes.

Under the present law these foreign aliens who visit the United States are paying into the United States Treasury annually about \$700,000 for visés of passports of said aliens. Now, if this charge made against alien tourists and alien business men who come to the United States is abolished altogether the Government will lose in revenue about \$700,000. If the Government loses that revenue it will have to be made up by taxing the American people in some other way. I, for one, prefer that we still continue to let the foreigners who visit the United States pay this \$700,000 rather than saddle the tax on our own people.

But those who favor this bill tell us that foreign Governments last year charged American tourists approximately \$3,000,000 for visés of passports, and if we will eliminate the charges we make for visés of passports other nations will do likewise. Now, what would be the result? Uncle Sam would lose \$700,000 in revenue which would have to be made up by taxation, and the Americans traveling abroad would save the \$3,000,000 they now pay foreign nations for having their passports viséed. But do you think for one minute that these foreign nations will give up a system that now yields them \$3,000,000 in order to save \$700,000 to their citizens who travel in the United States? Certainly not.

If American tourists abroad did pay \$3,000,000 last year to foreign governments to have their passports viséed, that was only three-fifths of 1 per cent of the \$500,000,000 they spent abroad in 1924.

Now, while I have no desire to increase the expense of Americans traveling abroad, I do not want to reduce that expense by imposing an additional tax on the American people who never travel abroad. Most Americans who go abroad are persons who possess great wealth, although many are in moderate financial circumstances. The "globe-trotters" as a rule are rich. The American who makes a trip to Europe ought not to expect any part of his expense to be borne by the people who stay at home.

While here and there a few teachers and others in moderate financial circumstances would get the benefit of this law, the big benefits would accrue to the rich, who can well afford to bear the expense of having their passports viséed. This bill,

in effect, taxes those who stay at home in order to reduce the expense of those who are able to make foreign tours. I do not think this is a well-balanced or equitable bill, and I am constrained to vote against it.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CONNALLY of Texas. Mr. Chairman, I merely rise to very modestly and humbly repel some of the vicious assaults that have been made upon the gentleman from Texas while championing here on the floor what he deems to be the interests of the people.

My good friend, the gentleman from Michigan, called the attention of the gentleman from Texas to the fact that he had been instrumental in getting some Texans out of jail in Detroit. That is very true, and I thank the gentleman, because one of the persons whom he got out of jail was a constituent of mine, but I will say to the gentleman from Michigan that his city of Detroit has sent certain instrumentalities of transportation into my district that have gotten many more people into jail in my district than ever wandered away and got into jail in his city.

Now, as to the gentleman from Minnesota, my good friend WEFALD. I am very greatly aggrieved that he should have taken affront at my remarks. But when I look on the gentleman from Minnesota and survey the fine, upstanding man that he is, an excellent Representative, and recall that he was born in a foreign country and came here as an immigrant, and then when I look upon some of the titled snobs who visit America from foreign lands, and consider that immigrants coming to this country must pay a \$10 fee while we propose by this bill to admit without cost such pleasure-seeking and work-dodging foreigners who want to come here merely to gratify their senses and appetites, I can not reconcile the gentleman's views with his usual good judgment.

Mr. WEFALD. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. WEFALD. I vote for this measure because I want the whole world to come here and hear the gentleman from Texas. The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

*Be it enacted, etc., That notwithstanding existing law fixing the fees to be collected for visés of passports of aliens and for executing applications for such visés, the President be, and he is hereby, authorized, to the extent consistent with the public interest, to reduce such fees or to abolish them altogether, in the case of any class of aliens desiring to visit the United States who are not "immigrants" as defined in the immigration act of 1924, and who are citizens or subjects of countries which grant similar privileges to citizens of the United States of a similar class visiting such countries.*

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen of the committee, the testimony before the committee, except the testimony of the gentleman from Washington, was solely from men representing the chamber of commerce, and their whole purpose is stated in this statement, on page 22 of the hearings:

We favor anything that will help to free commerce, make trade easier, and that will do away with irritations which this visé system imposes upon business.

Then this gentleman went on to say that they wanted to do away with the visé entirely. That is their purpose, as shown by the record before the committee. They were unable to get that.

Their idea was that they could save this amount of money in their business when their agents traveled abroad. They were doing a large business in textiles, as the gentleman from Texas [Mr. CONNALLY] has stated, and as appears from the testimony, and yet they were demanding this protection by the Government and wanted to take out of the Treasury from \$600,000 to \$2,000,000, notwithstanding the remarks of the gentleman that the amount was only \$68,000.

Mr. MOORE of Virginia. Will the gentleman allow me to interrupt him?

Mr. RAKER. Yes.

Mr. MOORE of Virginia. Does not the gentleman recognize that officials of the Government, representing the public, appeared and stated the case in all of its fullness?

Mr. RAKER. Yes; I will state just what they said. They did not go into this question at all. This is what they said, on page 35 of the hearings, and the statement was made by the only representative of the Government who appeared:



The statements that have come to the State Department have been mainly from traveling business men or tourists; particularly, however, from business men.

Their whole complaint, as the record shows, was based on the fact they had to get up at night and get a visé, and when it was called to their attention that for every country they visited they could have their passport viséed before they stepped on the boat at New York or Boston or any other place, they fell down on that, and then the committee said they would not do away with the visé because it was absolutely necessary.

Mr. BOX. Will the gentleman from California yield?

Mr. RAKER. Yes.

Mr. BOX. Will the gentleman state whether or not the gentleman from Texas was correct that nonimmigrant aliens coming in from Mexico and other foreign countries paid \$10 under the present law?

Mr. RAKER. I think there is no doubt about it.

Mr. BOX. Was not the gentleman also correct when he said that the immigration problem is aggravated by the fact that a large number of nonimmigrant aliens are coming in—

Mr. RAKER. That is the point exactly, and there is a bill on that subject before the committee and we had it up this morning. We have been working on it for some time. There are people in the city of Washington that have come to my office and there are people who have appeared before the committee who slipped into this country as nonimmigrants, and now they come to the chairman to find out how they can remain here permanently. I suggested that they go down to the Department of Immigration, and they immediately said they would be deported. I said that was just what ought to be done as quick as they land. They will land here with a lie on their lips and then go to the department and commit rank perjury again in swearing that they are immigrants, and they think in swearing that they have thereby abjured and relieved themselves from all sovereignty, to a foreign potentate, which is rank perjury. They will file their application within two days after they land here.

Mr. BOX. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for five minutes more and then I am through.

Mr. FISH. Mr. Chairman, reserving the right to object, I want to make the statement that this is the last time I will agree to any such request.

Mr. RAKER. I yield to the gentleman from Texas.

Mr. BOX. I just want to ask the gentleman if it is not true that the evidence before the committee shows that some of them make a declaration of intention within a very few days after they arrive here?

Mr. RAKER. Yes; and under the law, if they were prosecuted for perjury they could be sent to jail because they have sworn to material facts. They say they come here as visitors and then they want the law amended so they can remain here. The country is being flooded with such people in spite of the laws you have passed and which the people are in favor of being enforced, and now the question is whether these men shall be allowed to come here without the payment of any fee or upon the payment of a small fee of \$2. Then they talk about school-teachers.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. JOHNSON of Washington. The gentleman should state it all. Certain aliens come to this country as visitors and later they take out declaration of intentions, for which they pay the United States \$1 each. The United States should not accept that money, and it is only a question of time when we will hear from the procedure.

Mr. RAKER. This is a question of dollars above humanity. Nobody raised the question about school-teachers. These school-teachers who go abroad have not, I venture to say, visited three States in the Union. They say that it benefits people all over the country, but it is to the end that men doing business, making large sums of money, may make more. Why do not some of these teachers, some of these people who talk about their own country—why do they not visit other places in the United States, in their own country, before they go abroad? This is only for the benefit of certain globe-trotters, those who have the money to pay their expenses, with very few exceptions. When you read the Record from leaf to leaf you will find that it is only for the benefit of those who have been ready and willing to do business.

Mr. ABERNETHY. Will the gentleman yield?

Mr. RAKER. Yes; for a question.

Mr. ABERNETHY. I suppose the gentleman would advise them to go to California? [Laughter.]

Mr. RAKER. O Lord, yes; everybody knows that. [Laughter.]

Mr. LA GUARDIA. What the gentleman says is the truth, but why does not he do something to keep these steamships from inducing these people to come in?

Mr. RAKER. We can not get a resolution through the committee of the House so that we can go out and investigate. If we could do that, we could get some results. These steamship companies have thwarted the business of Congress; they have done it for 12 years. We could not get them before the committee; could not get their testimony. They induced the people to come across, robbed them, and when we want to investigate they want a hearing, but we can not get them to appear before the committee. They telegraph when they want to be heard, they go to the chamber of commerce and say they want to be heard, and we telegraph when they can be heard, and then we find out that they never started.

I can not see why we should break down the law, why we should give these men who have the opportunity to make money, why we should relieve them of the payment of these visé fees.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BLOOM. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: "That sections 1 and 2 of the act approved June 4, 1920, entitled 'An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921,' be, and the same is hereby, amended to read as follows:

"SECTION 1. From and after the 1st day of July, 1925, there shall be collected and paid into the Treasury of the United States quarterly a fee of \$1 for executing each application for a passport and \$1 for each passport issued to a citizen or person owing allegiance to or entitled to the protection of the United States: *Provided*, That nothing herein contained shall be construed to limit the right of the Secretary of State by regulation to authorize the retention by State officials of the fee of \$1 for executing an application for a passport: *And provided further*, That no fee shall be collected for passports issued to officers or employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families, or to seamen, or to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad whose journey is undertaken for the purpose and with the intent of visiting the graves of such soldiers, sailors, or marines, which facts shall be made a part of the application for the passport."

Mr. TEMPLE. Mr. Chairman, I think the amendment has been read far enough to show that it is subject to a point of order; that it is not germane.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order that the amendment is not germane. Does the gentleman from New York desire to be heard?

Mr. BLOOM. Will the gentleman from Pennsylvania state his point of order? I think it is germane; it is right to the point.

Mr. GALLIVAN. Mr. Chairman, I do not understand that the amendment has been completely read yet.

The CHAIRMAN. It has been read far enough, as the gentleman from Pennsylvania claims, to show that it is subject to a point of order.

Mr. GALLIVAN. I understand that the amendment has a saving clause which would bring it in order and eliminate the point of order of the gentleman from Pennsylvania.

Mr. TEMPLE. The point of order is that the amendment is not germane to the bill and deals with other subjects.

The CHAIRMAN. The Chair is ready to rule. The original bill has to do with the authority of the President relative to making arrangements for viséing passports. That is the specific subject in the bill. The amendment as presented by the gentleman from New York has several additional subjects. It takes up the subject of passports and passports are not dealt with in the usual bill. The rule is that you can not amend a specific subject by adding another specific subject, and a specific subject can not be amended by a provision general in its nature. The Chair thinks the amendment is out of order and sustains the point of order.

Mr. BLOOM. Mr. Chairman, I offer the following amendment, which I send to the desk,

The Clerk read as follows:

Amendment offered by Mr. BLOOM: Page 1, line 4, strike out the words "visés of" and the words "of aliens," and in line 5 the word "such," and in line 7 the word "in," and lines 8 to 12, inclusive.

Mr. FISH. Mr. Chairman, on that I reserve the point of order.

Mr. BANKHEAD. Mr. Chairman, the gentleman can not reserve the point of order on such a valid amendment as that. If the gentleman desires to make the point of order, he should make it.

Mr. FISH. Mr. Chairman, I ask unanimous consent to have the amendment again reported.

The CHAIRMAN. Is there objection?

Mr. BLACK of New York. Mr. Chairman, I object.

Mr. FISH. Mr. Chairman, I make the point of order that it is not germane to the bill.

Mr. BLOOM. Mr. Chairman, it is just the same. It makes it absolutely necessary to do away with visés. That is what I am trying to do. Instead of making it a charge, I am trying to eliminate the visés entirely.

The CHAIRMAN. The Chair is ready to rule.

Mr. RAKER. Mr. Chairman, before the Chair rules, I would like to discuss the point of order, but I can not until I can hear the Clerk report the amendment so that we can understand it.

The CHAIRMAN. Objection has been made to that.

Mr. BLACK of New York. Mr. Chairman, I will withdraw the objection.

Mr. CLAGUE. Mr. Chairman, I renew the objection.

Mr. CONNALLY of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CONNALLY of Texas. Is there any objection to the Chair himself in ruling on a point of order reciting the amendment?

The CHAIRMAN. The Chair thinks that for the information of the committee the amendment should again be reported, and the Chair directs the Clerk to report the amendment and the bill as it would be if the amendment were adopted.

The Clerk read as follows:

Page 1, line 4, strike out the words "visés of" and the words "of aliens," and in line 5 the word "such," and in line 7 the word "in," and all of lines 8 to 12, inclusive, so that the bill will read:

"Be it enacted, etc., That notwithstanding existing law fixing the fees to be collected for passports and for executing applications for visés the President be, and he is hereby, authorized, to the extent consistent with the public interest, to reduce such fees or to abolish them altogether."

Mr. FISH. Mr. Chairman, I make the point of order that that is an entirely different subject from the subject submitted in the bill. The bill proposes to authorize the President to modify the visé fees in certain instances, and the amendment seeks to do away with the fees completely; and if adopted, it would make the bill refer only to passports, which is not the purpose of this bill.

Mr. BLOOM. Mr. Chairman, the bill itself provides for the same thing, to reduce the visé fees or to abolish them altogether. My idea in doing this is on account of one thing which has not been mentioned on this floor to-day, and that is the trouble, inconvenience, and graft that have been going on to-day through every country in Europe on this visé proposition. My idea is to do away with that system. The purpose of the amendment is to do away with visés so as to eliminate this graft.

Mr. RAKER. Mr. Chairman, on the point of order, without respect to the merits of the bill, is it possible that a point of order that an amendment is not germane can be made to an amendment which seeks to strike out any part of a bill which might change the reading of it or give it a different status? Clearly no point of order can be made to an amendment striking out any part of a bill, because it is for the House to determine in its own judgment whether or not anything shall go out and what shall remain. The gentleman does not seek to add anything to the bill by his amendment.

The CHAIRMAN. The Chair is ready to rule. While the Chair appreciates the fact that in a general proposition it is always considered in order to strike out of a bill, still there is another question which arises if an attempt be made to strike out so much of the bill that it changes the intent and purpose and meaning of the bill. The Chair finds there have been some decisions that sustain points of order on that proposition when the amendment goes so far as to change the intent and meaning of the bill. As the Chair understands the amendment

offered by the gentleman from New York [Mr. BLOOM] it would change the bill to apply entirely to passports, instead of the viséing of passports. If that were permitted, it would contravene the meaning of clause 7 of Rule XVI—

and no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

In the note, paragraph 777, Manual and Digest, the Chair finds the following:

While a committee may report a bill embracing different subjects, it is not in order during consideration in the House to introduce a new subject by way of amendment.

Further, it is held that specific subjects may not be amended by provisions general in nature.

In the opinion of the Chair, this is subject to the point of order, and the Chair sustains the point of order.

Mr. BLANTON. Mr. Chairman, it is closing time, and I make the point of order there is no quorum present. It is 5.20.

The CHAIRMAN. The Chair will count.

Mr. FISH. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 11957, had come to no resolution thereon.

#### LEAVE OF ABSENCE

By unanimous consent, Mr. PEAVEY was granted leave of absence for an indefinite time on account of serious illness in family.

#### ENROLLED BILLS SIGNED

Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 2656. An act to permit the correction of the general account of Robert G. Hilton, former Assistant Treasurer of the United States;

H. R. 2745. An act for the relief of J. M. Farrell;

H. R. 11474. An act to fix the time for holding the terms of the United States District Court for the Eastern District of Virginia at Alexandria;

H. J. Res. 325. Joint resolution extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free;

H. R. 6581. An act authorizing the Postmaster General to provide emergency mail service in Alaska;

H. R. 5061. An act for the relief of Russell Wilmer Johnson; H. R. 9308. An act to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the regular Navy;

H. R. 8741. An act for the relief of Flora M. Herrick;

H. R. 7911. An act to authorize the Secretary of the Treasury to sell the appraisers' stores property in Providence, R. I.;

S. 877. An act to provide for exchanges of Government and privately owned lands in the Walapai Indian Reservation, Ariz.;

S. 2209. An act to amend section 5147 of the Revised Statutes;

S. 2746. An act regulating the recovery of allotments and allowances heretofore paid to designated beneficiaries;

S. 3171. An act for the relief of sufferers from earthquake in Japan;

S. J. Res. 177. Joint resolution to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public, and for other purposes," approved April 14, 1922;

S. 3180. An act to amend section 194 of the Penal Code of the United States;

S. 3252. An act referring the claim of the State of Rhode Island for expenses during the war with Spain to the Court of Claims for adjudication;

S. 3352. An act to provide for the appointment of an appraiser of merchandise at Portland, Oreg.;

S. 4014. An act to amend the act of June 30, 1919, relative to per capita cost of Indian schools;

S. 3398. An act to authorize the city of Norfolk, Va., to construct a combined dam and bridge in Lafayette River at or near Granby Street, Norfolk, Va.; and

S. 4109. An act to provide for the securing of lands in the southern Appalachian Mountains and in the Mammoth Cave regions of Kentucky for perpetual preservation as national parks.



## SENATE BILLS REFERRED

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 300. An act to provide for election contests in the Senate of the United States; to the Committee on Election of President and Vice President and Members of Congress.

S. 708. An act for the relief of various owners of vessels and cargoes damaged by the U. S. S. *Lamberton*; to the Committee on Claims.

S. 1649. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

S. 2586. An act for the relief of Robert June; to the Committee on Claims.

S. 3162. An act authorizing the Postmaster General to make monthly payment of rental for post-office premises under lease; to the Committee on the Post Office and Post Roads.

S. 3400. An act for the purchase of a tract of land adjoining the militia target range at Auburn, Me.; to the Committee on Military Affairs.

S. 3406. An act relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes; to the Committee on the Judiciary.

S. 3765. An act to authorize a five-year building program for the public-school system of the District of Columbia, which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia; to the Committee on the District of Columbia.

S. J. Res. 141. Joint resolution providing for the appointment of a commission to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force December 2, 1923; to the Committee on Revision of the Laws.

S. 3408. An act to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918, and for other purposes; to the Committee on Military Affairs.

S. 3050. An act for the relief of the Turner Construction Co. of New York City; to the Committee on War Claims.

S. 2264. An act to authorize the closing of a part of Thirty-fourth Place NW., and to change the permanent system of highways plan of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 292. An act to incorporate the American Bar Association; to the Committee on the Judiciary.

S. J. Res. 185. Joint resolution making an appropriation for the arrest and eradication of anthrax; to the Committee on Appropriations.

## THE CHILD LABOR CONSTITUTIONAL AMENDMENT

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to extend my remarks on the child labor amendment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, during the time since the joint resolution proposing to give to Congress the right to cooperate with the States in the eradication of child labor was adopted by both Houses of Congress and submitted to the States there has developed an organized propaganda against the amendment, which it seems to me should be brought to the attention of Congress and the public.

The newspapers have given the impression that because 13 States in one or both houses of their legislatures have refused to ratify the amendment it has been rejected and is no longer an issue. Neither the Constitution nor the statutes so provide.

A study of the authorities indicates that there is complete agreement to the proposition that a State which has rejected a proposed amendment to the Constitution of the United States can later ratify it. (See 12 Corpus Juris, 681-682; Jameson, Constitutional Conventions, pp. 624-632; Ames, Proposed Amendments to the Constitution of the United States. During the first century of its history, pp. 299-300, Annual Report of the American Historical Association for 1896, Vol. II, H. Doc. No. 353, pt. 2, 54th Cong., 2d sess.) The examples usually cited are the change in the legislative decisions on the thirteenth, fourteenth, and fifteenth amendments. For example, New Jersey rejected the thirteenth amendment and later ratified it. New Jersey, however, is not listed among the States given by the Secretary of State in his proclamation (13 Stat. L. 774) as ratifying, because the ratification occurred subsequent to the proclamation. (Proclamation dated December 18, 1865; New Jersey ratified January 23, 1866.)

The fourteenth amendment was rejected by the Legislatures of North Carolina, South Carolina, and Georgia when first presented, but was later ratified by the reorganized governments of those States, and these ratifications were treated as authoritative, both in the resolution passed by Congress after the "provisional" proclamation of the Secretary of State and in the final proclamation of the Secretary of State proclaiming the amendment ratified. (15 Stat. L. 708.)

As to the fifteenth amendment, the State of Ohio rejected the amendment May 4, 1869, but ratified it on January 27, 1870, and was counted in the proclamation (16 Stat. L. 1131) of the Secretary of State, March 30, 1870, as among those ratifying. New Jersey also rejected and later ratified.

As to whether a State having ratified a constitutional amendment and certified its action to the Secretary of State can withdraw or rescind its ratification the precedents are against the legality of such action.

When the fourteenth amendment was before the States for ratification the legislatures of two States, Ohio and New Jersey, after ratifying the amendment, passed resolutions rescinding the ratification. Ohio ratified January 17, 1867; attempted to rescind January 15, 1868. New Jersey ratified September 11, 1866; attempted to rescind April, 1868. On July 20, 1868, the Secretary of State issued a proclamation stating that the amendment had been ratified by the legislatures of 29 States, among which he named Ohio and New Jersey, although the legislatures of New Jersey and Ohio had since passed resolutions withdrawing their consent to the amendment. After stating that it was a matter of doubt whether these resolutions of withdrawal were not invalid, and that no statute authorized the Secretary of State to pass upon the question whether a State legislature had that power he certified that "if the resolutions of the Legislatures of Ohio and New Jersey ratifying the aforesaid amendment are to be deemed as remaining of full force and effect, notwithstanding the subsequent resolutions of the legislatures of those States which purport to withdraw their consent, the amendment had been ratified and was in full force and effect."

The next day (July 21, 1868) the Congress passed a concurrent resolution declaring that whereas the legislatures of 29 States (naming the States listed in the proclamation of the Secretary of State and including New Jersey and Ohio) had ratified the amendment, it was "hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such" by the Secretary of State. On the same day—July 21—the Legislature of Georgia, under the reconstructed government, ratified the amendment, having previously rejected it. On July 28 the Secretary of State issued a proclamation quoting the resolution passed by Congress and certifying that the amendment had been ratified by the 29 States listed in his previous proclamation and also by the State of Georgia, and was therefore part of the Constitution.

In the case of the fifteenth amendment, the Legislature of New York attempted to withdraw a previous ratification. (New York vote of ratification April 14, 1869, vote of withdrawal January 5, 1870.) The proclamation of the Secretary of State (16 Stat. L. 1131) issued March 30, 1870, stated that the amendment had been ratified by 29 States (28 were needed), listing New York among the 29; that New York had since passed resolutions "claiming to withdraw" its ratification; that, in addition, the Legislature of Georgia had ratified the amendment; and that therefore the amendment had become valid as part of the Constitution. While the vote of New York was not in fact necessary for the ratification, the proclamation included New York as among the States ratifying, and therefore did not admit the legality of a withdrawal of a ratification once given.

The child labor amendment is therefore still before the country and will be before the country until the Secretary of State reports its ratification. For this reason, it seems important to discuss briefly the opposition which has appeared in practically all the States. Some of it is sincere opposition to an amendment to the Constitution in behalf of children. There are people who are patient as to the injustices to children and believe that eventually the States will act as to local problems and do not see the interstate aspects of child labor. They are impatient of all proposals to change the Constitution save only one which would make amendment so difficult as, in effect, to drop Article V from the Constitution.

The State rights arguments of to-day are not unlike those of the Civil War period. In 1865, the Connecticut Democratic State Convention referred to the thirteenth amendment as "the recent so-called amendment to the Constitution of the United States," and as "a covert attempt to overthrow and destroy the great democratic idea of State rights." (Thorpe,

Constitutional History of the United States, Vol. III, pp. 195-196.) The second section of this amendment was especially dangerous, it was said, since it gave Congress power to carry out section 1 with appropriate legislation. No more dangerous grant of power could be conceived, they said. Even if there were no danger then, the time might come when Congress would do, not knowing, that autocratic and foolish thing. The Legislature of Delaware not only refused to ratify the amendment, but declared that this abolition of human slavery was "contrary to the principles upon which this Government was formed." (Thorpe, Constitutional History of the United States, Vol. III, p. 197.)

All these arguments are advanced to-day against the child labor amendment, and most frequently by organizations whose membership includes those who are financially interested in the employment of children. State rights is for them a pretext, not a reason. The National Manufacturers' Association and its subsidiary organizations in the various States began last June an adroit campaign of misrepresentation as to what the amendment is and what its effect will be. More recently there has been organized in this city "The National Committee for Rejection of the Twentieth Amendment," which has offices in the Union Trust Building, where the local office of the National Manufacturers' Association is located. The letterhead of this "National Committee for Rejection of the Twentieth Amendment" lists the following members:

Millard D. Brown, chairman, Continental Mills, Philadelphia, Pa.  
C. S. Anderson, the Norton Co., Worcester, Mass.  
P. E. Glenn, Exposition Cotton Mills, Atlanta, Ga.  
W. A. B. Dalzell, Fosterla Glass Co., Moundsville, W. Va.  
R. E. Wood, Sears, Roebuck & Co., Chicago, Ill.  
W. H. Leonard, the Denver Rock Drill Manufacturing Co., Denver, Colo.  
W. Frank Carter, Carter, Norton & Jones, St. Louis, Mo.  
Frederic W. Keough, director, Washington, D. C.  
John C. Gall, secretary, Washington, D. C.

There was also organized last July in Troy, N. C., a so-called Farmers' State Rights League, under which innocent title the textile interests of the South hoped to and did reach the West and Pacific Coast States. This league has inserted columns of advertising in newspapers, particularly those serving the smaller towns and rural districts, which contain gross misstatements of facts and have spread fear as to what the effects of the amendment will be. This league has been so widely used by the opposition that it seems to me important to place before you a full statement of an investigation recently made as to its originators and its present control.

The Farmers' State Rights League is disclosed as the tool of David Clark, publisher of the Southern Textile Bulletin, organ of the southern textile mill owners, of Charlotte, N. C. He was the instigator of the suits which resulted in the nullification of the two former Federal child labor laws.

Labor, in its issue of January 20, prints the story of its investigation, which runs in part as follows:

#### EXPOSING COTTON MILLS FARMERS' LEAGUE

The Farmers' State Rights League (Inc.), of Troy, N. C., is the name of an organization which is flooding western papers, especially agricultural papers, with half-page advertisements denouncing the proposed child labor amendment to the Federal Constitution.

It was hard to believe that the farmers of North Carolina were so opulent that they could afford to make these expenditures, or so bitterly opposed to the protection of the lives and happiness of their children that they would indulge in the misrepresentations with which the advertisements were filled.

So Labor decided to make an investigation. It sent a staff representative to North Carolina, who uncovered the following facts:

#### A FAKE AND A FRAUD

The Farmers' State Rights League is not a farmers' organization. Its president is the cashier of a cotton-mill bank. Its vice president is an employee of a cotton-mill store. Its chief agent—the man who writes the ads for agricultural papers—is listed in the Charlotte (N. C.) city directory as an employee of the Clark Publishing Co.

The Clark Publishing Co. is owned by David Clark, editor of the Southern Textile Bulletin, organ of the cotton-mill owners of the South. Mr. Clark for many years has been head of the cotton-mill lobby, which has operated in Washington and elsewhere in opposition to child-labor legislation.

All these "cotton-mill farmers" who are officers of the league admitted to the representative of Labor that the league does not attempt to collect dues from its members. They were unable to produce any membership roll, and they refused to tell where they got the money to pay for their advertisements.

#### FARMERS' CANDID STORIES

Apparently the only farmers connected with the league were two men who had consented to permit their names to be used in connection with the incorporation of the organization.

These farmers are apparently honest, straightforward citizens. They admitted to the representative of Labor that they knew nothing about the league. They had permitted the use of their names, they said, because they had been told that it was proposed to pass a law which would prevent their children from even doing the chores on the farm.

They were assured that they would not be expected to make any financial contribution.

It is perfectly clear from Labor's investigation that the Farmers' State Rights League is a fake, organized and financed by the cotton-mill owners of the South.

The report of Labor's representative follows:

(By Gilbert E. Hyatt)

According to the records of the secretary of state of North Carolina the Farmers' State Rights League was incorporated by the following: L. H. Hilton, Thomasville, N. C.; G. H. Greene, Yadkin College, N. C.; Ben T. Wade, Troy, N. C.; and N. H. Williams, Candor, Route 1, N. C.; date of incorporation, July 28, 1924.

Troy is a "mill" town of about 1,100 inhabitants. Cotton is the principal crop in that section of North Carolina, and cotton milling is Troy's only industry. Three mills—the Smitherman, the Alleen, and the Rhyne-Anderson—are in the vicinity, one in the town itself.

The headquarters of the Farmers' State Rights League could not be located, but Ben T. Wade, one of the incorporators, was found to be the cashier of the Bank of Montgomery, a cotton-mill bank, located in the same building with the offices of the Rhyne-Anderson and Smitherman mills.

Mr. Wade stated that he was the president of the league. When asked where the offices of this league were located he said: "Right here" (indicating the bank). So far as any visible evidence of equipment was concerned the office was under Mr. Wade's hat.

#### MR. WADE OZZES INFORMATION

"What is the membership of your organization?" he was asked.

"It is large," was the response.

"But how many?—ten, twenty, fifty thousand, or what?"

"I do not know."

"In what States are they located?"

"In a number of States."

"Are these Southern States?"

"We have a large membership in the West."

"But what States in the West?"

"I do not know."

President Wade was equally at sea as to the financial resources of the league, its expenditures, and other operations.

"What dues do you charge?" he was asked.

"No one has been asked for any money," he replied.

"How is your very extensive campaign of advertising supported?" was the next question.

"By volunteer subscriptions."

"In that case some one must be putting up some very handsome sums of money. Who are these people?"

"I have no information to give out," was his response to this and all further questions as to officers, place of business, authority of the advertising material, etc.

#### ENTER "JEFF" PALMER.

On being pressed he finally referred me to the "secretary," Mr. Jeff Palmer. Mr. Palmer was not a resident of Troy, he said. He was living "somewhere out of Charlotte, in the country."

Inquiry at the office of the Rhyne-Anderson cotton mills brought the information that "Jeff Palmer was at Charlotte and working for Mr. David Clark." Mr. Clark for many years has been the head and front of the cotton-mill lobby fighting child-labor legislation.

The next incorporator visited was Mr. M. H. Williams, of Candor. Mr. Williams was found to be a fine, honest-appearing individual, but even more at sea as to the league than Mr. Wade. He stated that he was the vice president, but inquiries similar to those addressed to Mr. Wade elicited the same response, "I don't know."

If he farms, however, it is in the same vicarious manner as does Mr. Wade, as he is the storekeeper at the Rhyne-Anderson cotton mill.

#### HILTON TELLS THE TRUTH

The next incorporator visited was Mr. L. H. Hilton, of Thomasville.

A trip over almost impassable country roads and lanes took us to the farm of Mr. Hilton. He was engaged in baling hay, with three boys helping him at the work. Mr. Hilton had been very highly spoken of by his neighbors as a thrifty, honest, and efficient farmer, and his reception of us and the appearance of his farm corroborated this statement.



"Can you give us any information as to the Farmers' State Rights League?" he was asked.

"There are no farmers' organizations of any consequence around here," was his reply.

After some further questioning and thought on his part he finally recalled that, while attending court as a juror last summer he was approached by a person whom he had never seen before or since and urged to sign his name to a petition for the incorporation of an organization to fight the child-labor amendment.

#### VAQUE ABOUT AMENDMENT

"What did they tell you about the provisions of this amendment?" he was asked.

"I was told that it would forbid my own children to do work around the place," he replied. "I am unable to recall what was the age limit prescribed or how it would work out, but that was the story."

"Have you paid any dues?"

"No; it was emphatically understood that we were not to be required to pay any dues. All that was wanted was just our names."

"Who are the officers of this organization?"

"I do not know."

"Where is its office?"

"I do not know."

"Who pays for the advertisements and other expenses of its operation?"

"I do not know."

Mr. Hilton stated that, while he was well acquainted with all the farmers in that vicinity he knew of no other members nor had he even heard of any attempts to secure membership among the farmers.

Mr. G. H. Greene, of Yaddin College, the fourth incorporator, was found in the office of Sheriff R. B. Talbert in Lexington, the county seat. Like Mr. Hilton, he was obviously a real farmer, of the same straightforward and courteous type. Like Hilton, also, he expressed the utmost willingness to furnish information, but was absolutely without any knowledge whatever of the league. All he recalled was that his signature had been urgently solicited for an organization to fight a child labor "law" which would prevent children from working around their own homes or on the home farm.

"Was this a State or a National law?" he was asked.

"I do not know but, under it, young people could not work." As to the age limit provided he was equally uncertain.

#### NO DUES REQUIRED

"What dues do you pay?" was next asked.

"We never paid any. It was made very clear that we placed ourselves under no obligation whatever beyond signing our names."

He did not know who the officers were, nor the place of business, or of any effort that had ever been made to secure the membership of farmers. He was not aware of the advertising campaign being put on nor of the source from which this was financed. He had never received any communications of any nature whatever from the organization since signing the "petition."

#### "JEFF" RUN TO EARTH

Charlotte was the next point visited. The city directory, 1923-24 edition, contains the notation, "Jeff Palmer, Trav. salesman, Clark Pub. Co."

I was informed at the office of the Clark Publishing Co. that Mr. Palmer worked there and that he was out but would return shortly. In a few minutes he did appear and invited me to his desk, just outside the door of Mr. Clark's office.

"You are the agent or secretary of the Farmers' State Rights League?" he was asked.

"Yes."

"What is the object of the organization?"

"To fight for State rights and against the child-labor amendment."

"How extensive is the advertising campaign you are now conducting?"

"It is quite extensive; here [producing a copy of an ad which would occupy about half a page of Labor] is an advertisement which we are running in 21 papers."

"This must cost you some money. How is it paid for?"

"Oh, our bills are all paid, as far as that is concerned."

"But who pays for it? Your members pay no dues?"

#### HEARD MR. CLARK APPEARS

At this point Mr. Clark came out of his office and peremptorily ordered Mr. Palmer to say nothing more.

"Tell him nothing. It is none of his business," shouted Mr. Clark.

"Mr. Palmer works for you, does he not?" was asked.

"He does not. He has no connection with this office."

"His name appears in the city directory as an employee of yours."

"He draws no salary from me."

"If this is the case, why is he here and from what source is he paid?"

To this and all further questions Mr. Clark's only response was a repeated warning to Palmer to "tell him nothing. It's none of his business. He has nerve to come here and ask these questions."

He did, however, remark that my visits to Troy were known to him and that I would get no further information.

In an interview in the News and Observer, of Raleigh, N. C., following publication of the above facts and an editorial criticizing the use of such methods, Mr. David Clark said:

Last June Mr. Palmer told us that he had arranged with an advertising agency to run a publicity campaign against the child labor amendment.

Later he exhibited a list of 32 papers that had been selected by the agency, and we asked him how he was going to sign his advertisement.

He said he had not thought of that, but as all farmers seemed to be bitterly opposed to the amendment, he would have no trouble in getting prominent farmers to put their names to the advertising.

A few days later he said that the farmers did not object, but he thought it would be best to form an organization, and at his request we drew for him a charter for an organization to be known as the Farmers' State Rights League (Inc.), with four original incorporators. \* \* \*

Having his organization, Mr. Palmer went out and secured the funds necessary to pay for his publicity campaign. \* \* \*

A committee opposed to the twentieth amendment was organized at Washington and began to send out well-prepared publicity and the national child labor committee and the American Federation of Labor immediately began a vicious attack upon such publicity, not by answering the arguments but by calling attention to the fact that certain members of the committee were manufacturers.

Realizing the effectiveness of that form of attack and desiring that our arguments be considered upon their merits, we secured from the Farmers' State Rights League permission to distribute literature in their name, and under their name we sent fully 150,000 pieces, the most effective and widely distributed piece of such literature being a slip containing extracts from the child labor laws of the Southern States.

The following interesting communication appeared in the Roseburg (Oreg.) News-Review of January 5, 1925. Evidently that section had not been thoroughly covered by the propaganda of the Farmers' State Rights League:

#### GRANGE TAKES STAND ON CHILD LABOR AMENDMENT

EDITOR NEWS-REVIEW: Apropos to your editorial in Tuesday's News-Review, you may be giving some people of Oregon the wrong view concerning the stand taken by the executive committee of the Oregon State Grange.

The executive committee, made up of members representing every part of the State, unanimously indorsed the child labor amendment, and our delegates to the National Grange session, together with the delegates from the States of Washington, Idaho, and Missouri, all indorsed the amendment, being beaten on the final vote, however.

The Douglas County Pomona Grange and a large majority of the subordinate granges of the State have indorsed the amendment. Out of the 230 granges in Oregon I can remember but half a dozen who have adversely acted upon this question.

The seriousness of the issue does not lie in the terms and objects of the amendment itself. It is silly to talk of an army of Federal bureaucrats roaming over the land devouring the taxpayer's substance and setting his children against his industry. The Children's Bureau, or whatever other organ of enforcement may be created, will have a perennial fight on its hands to secure appropriations sufficient for the enforcement of such laws as Congress may enact. The Appropriations Committee is not going to find funds for inspectors enough to look into every kitchen, field, or garden. Under the two child labor laws enacted by Congress, and later declared unconstitutional, there was close cooperation between the Federal and State authorities. The State, retaining full control of the field of education, is too strongly entrenched to be thrust aside in the common enterprise of establishing the conditions under which children should live.

The real issue is the old one of State rights, the most momentous domestic issue in our history. It has figured in innumerable campaigns and has cost us a Civil War. However, when the people of the United States, by due constitutional process, confer upon the Federal Government powers it has not hitherto possessed, there is no invasion of State rights, even though the States may incidentally be shorn of some of their powers. Under our system there are neither State nor National rights superior to the will of the people.

The following is an editorial taken from the last issue of the Oregon Grange Bulletin and shows why the Oregon State Grange, an organization composed of over 12,000 progressive men and women, stand committed in favor of this amendment:

"This is the third attempt by Congress to establish some minimum standard for child labor below which no State can fall. Honest argument against the amendment may be based on the contention that the question is not serious enough for Federal action. We believe that it is. In support of that belief we reprint the figures from the census of 1920—1,060,858 children between the ages of 10 and 16 were gainfully employed in that year; 1 child in every 12, and in some States 1 in 4. One glance at the civil codes of Mississippi, North Carolina, or Georgia ought to be convincing. As Father Ryan says in the Catholic World: 'Only 13 States have statutes which are in all respects as good as the laws enacted by Congress in 1916 and 1919; 9 States do not prohibit all children under 14 from working in factories and stores; 11 States allow children under 16 to work from 9 to 11 hours a day, while 4 States permit children under 16 to work at night.' Read the last few lines again; that is what is meant by 'child labor.' When you hear those wonderful arguments about Bolshevist origin, administrative expense, State rights, violation of parental sovereignty, remember the children working 11 hours a day, and often through the night.

"Yours very truly,

"C. H. BAILEY."

These organizations have been responsible for the widespread belief that if the amendment is adopted no girl under 18 can help her mother with the dishes and no boy under 18 can help his father with the chores; that it confers upon Congress a new power such as no State possesses and makes possible the "complete nationalization of children," whatever that may mean.

In the February number of the Minnesota Law Review, Hon. Edward F. Waite, judge of the district court of Hennepin County, formerly juvenile court judge of Minneapolis, and chairman of the Child Welfare Commission of Minnesota, has contributed a dispassionate and exhaustive discussion of the amendment. I quote from him at some length because he has so admirably considered some of the objections that have been made to the amendment:

Ignoring the vitally important factors of judicial interpretation and constitutional limitations, the claim is made that the amendment, if adopted, would enable Congress at will to limit, regulate, and prohibit all forms of labor on the part of all children up to the eighteenth birthday. (I use the expression "children up to the eighteenth birthday" advisedly. Many States class as "children" in their labor legislation all persons under 18, and some carry their regulation in certain particulars to the twenty-first birthday. They do not, of course, undertake to prohibit all labor by minors of 18 and 20, inclusive, but they prohibit their labor in certain occupations and under certain conditions—that is, as to such they "limit" and "regulate." If the limitation and regulation are sound, the law is good, though no lawyer can doubt that a sweeping prohibition by a State, not based upon the reasonable considerations which must characterize the exercise of police power, would be summarily disposed of by the Supreme Court of the United States under the fourteenth amendment. Since 1912 the laws of Minnesota have contained the following provision: "No boy under the age of 18 years shall be employed or permitted to work as a messenger for a telegraph or messenger company in the distribution, transmission, or delivery of goods or messages before 5 o'clock in the morning or after 9 o'clock in the evening of any day; and no girl under the age of 21 years shall be thus employed at any time. Any person employing any child in violation of the provision of this section shall be guilty of a misdemeanor." (Minn., G. S. 1913, sec. 3849.) Another prohibition of certain employments to persons under the age of 18 is found in section 8682. Many States (including Minnesota) class persons under 18 as "juveniles" and make them subject to the special consideration and protection of the State as *parens patriæ*.)

"If this interpretation," Judge Waite says, "is correct: if Congress could, without check or hindrance other than such as it might place upon itself, establish and enforce any limitation, regulation, or prohibition, it might choose to pass with respect to the employment of children under 18 in work of any sort, nobody would tolerate the thought of adopting the amendment. But it could not. Every lawyer knows this, upon familiar principles of interpretation, and without regard to considerations involving the construction of the amendment in the light of other provisions of the Constitution.

"One hesitates to suggest even the possibility of extreme folly in this field on the part of Congress. Distrust of our institutions ought not lightly to be pushed to that extent. But let us give heed to warnings which, strange to say, have had currency over the signature of capable lawyers. Suppose Congress should pass

a law framed on the theory that study in school is 'labor' within the meaning of the amendment, or forbidding farmer boys of 17 to do any work on the home place, or limiting to one hour per day the work of children whose labor is not wholly forbidden, or requiring all children in industry to be paid the current wages of adults, or expressly limiting the work of all persons under 18 to occupations where they might not possibly come into competition with adults, or discriminating in educational prerequisites between public and parochial schools; if the question of the validity of such laws ever reached a Federal court, would they be sustained? To state these queries is to answer them. It is apparent that no such absurdities would be sanctioned. The courts do not reject the guidance of common sense when they interpret the language of legislation, statutory or constitutional. To cite authorities here would be to insult the intelligence of the reader, be he lawyer or layman.

"But there is a 'twilight zone.' It is possible to imagine attempts to legislate under the amendment which would not amount to palpable absurdities and yet would be of such a sort that sensible and just people would regard them as unreasonable. Would there be no protection against these? Certainly there would be. Between all legislatures and the people in our balanced form of government stand the courts. When in any State the question arises whether a given law is authorized by the Constitution, the Constitution becomes the subject of judicial interpretation. If the language of the instrument is complete and unequivocal in respect to the subject matter, interpretation becomes mere citation, and the point is settled. But experience has shown that constitutional grants of legislative power ought to be in general terms, expressive of a principle or policy and not attempting to cover the subject involved with the detail appropriate to a legislative act. \* \* \*

Down to the present moment all grants of general powers to Congress have been subject to judicial interpretation in the light of these principles. Can it be claimed that a different rule would be applied to any law passed under the authority of the proposed amendment? Thus interpreted the amendment can mean but one thing, the granting of power to Congress to prohibit labor by persons under 18, at ages and in occupations, for hours and under conditions, which in its judgment are injurious to the children so employed and detrimental to the public welfare; that is, it is a grant of police power to Congress in the field of "child labor." Much of the misconception which has been injected into the public discussion of the amendment has arisen through ascribing to the word "labor" a meaning which it does not have and has never had when used in legislation respecting the work of children, or in the advocacy of such legislation. The prohibition of injurious forms of work to children under 18 is, as we have seen, a familiar idea, and that is what "labor" means in the proposed amendment. The real question is whether we are willing to let Congress decide what forms of work are injurious, subject to judicial safeguards and without interference with more advanced standards set up by the States.

In addition to general principles of interpretation, a barrier to the unreasonable exercise of congressional power under the proposed amendment would be found in the fifth amendment, providing that Congress shall not deprive any citizen of liberty or property "without due process of law." A like restriction upon the power of the States, in the fourteenth amendment, has proven a sufficient protection against unwarranted exercise of the police power of the States. When cases involving this point have come up from the States to the Supreme Court that tribunal has applied a well-established test—whether the law in question is reasonably adapted to afford needed protection against danger to health, morals, or general well-being. ("Police power is the power inherent in a government to enact laws, within constitutional limits, to promote the order, safety, health, morals, and general welfare of society." 12 C. J. 904.) It has recently applied this test to a law of Congress passed under its power of legislation for the District of Columbia. (*Adkins v. Children's Hospital* (1923), 261 U. S. 525, 67 L. Ed. 785, 43 S. C. R. 394.) It seems to me as clear as any proposition of law can be which has not been specifically decided by a court of last resort, that any arbitrary and unreasonable control over child labor would be held to be a deprivation of liberty and property without due process of law. \* \* \*

The question of legal reasonableness is always one for judicial determination, and it would seem quite certain that in construing a Federal law a Federal court would be no more reluctant to assert conservative views than it has been when an adverse conclusion would sweep aside the legislative policy of a sovereign State. Certainly the tenth amendment would always be kept in mind.

I have seen assertions that the fifth amendment would not be a bar to unrestricted legislation under the proposed twentieth, and very wide currency has been given to statements based upon this assumption, although not making the explicit claim. For example, James A. Emery, general counsel for the National Association of Manufacturers, in what seems to me a most adroit, uncandid, and misleading argument (an



examination of the proposed twentieth amendment to the Constitution of the United States, being the so-called child labor amendment, circulated by the National Committee for the Rejection of the Twentieth Amendment, Union Trust Building, Washington, D. C.), says:

"Neither is this grant of power confined to regulation, but it includes the right to 'prohibit' the labor of any person under 18. It is commonly said by the proponents of the proposal that it is intended merely to give Congress the power which the States presently possess over the same subject. It is not open to dispute that no State possesses the power to prohibit the labor of all persons under 17, much less 18, years of age."

Mr. Emery knows, of course, that the reason the States do not possess the power referred to is because its exercise would be contrary to the "due process" clause of the fourteenth amendment. Therefore he means to state by implication that laws passed under the proposed amendment would not be subject to the "due process" clause of the fifth. The only argument I have seen in support of this position rests upon the general terms in which the proposed amendment is phrased, and the claim that, being subsequent in time, it repeals, pro tanto, the fifth amendment. I have looked in vain for the citation in the literature of the opposition of a single authority.

Judge Waite calls attention to the fact that in *Prout v. Starr*, Mr. Justice Shiras said (1903, 188 U. S. 537, 543, 544; 47 L. Ed. 584; 23 S. C. R. 398):

The Constitution of the United States, with the several amendments thereof, must be regarded as one instrument, all of whose provisions are to be deemed of equal validity.

And again—

"It is one of the important functions of this court to so interpret the various provisions and limitations contained in the organic law of the Union that each and all of them shall be respected and observed."

In the case just cited, in *Elsner v. Macomber* (1920, 252 U. S. 189; 64 L. Ed. 521; 40 S. C. R. 189) and in *Evans v. Gore* (1920, 253 U. S. 245; 64 L. Ed. 887; 40 S. C. R. 550) it was held that the eleventh and sixteenth amendments should be so construed as not to interfere with certain prior constitutional provisions. The eighteenth amendment does not deprive the citizen of the rights safeguarded by the fifth in the matter of unreasonable searches and seizures (*United States v. Kellh* (1921) 272 Fed. 484) or self-incrimination (*Snyder v. United States* (1922) 285 Fed. 1). In the opinion by Mr. Justice McKenna in the *Cornell v. Moore* (1921, 257 U. S. 491; 66 L. Ed. 332; 42 S. C. R. 176) (the case involving the Volstead Act) it is assumed that Rhode Island v. Palmer (1919, 253 U. S. 350; 64 L. Ed. 946; 40 S. C. R. 518) establishes the proposition that the fifth amendment is not repealed by the eighteenth.

Judge Waite closes his argument in these words:

I revere the constitutional guaranties of private rights, and believe with all my heart that they can and will be fully and wisely guarded by the Supreme Court of the United States.

I am satisfied that child labor is still a menace to the Nation's children and therefore to the Nation, and that action by the several States will afford too slow and doubtful a remedy.

I do not know how many children are to-day in harmful industry, and I do not need to know. There are thousands, and more will take their places. I learned long ago that 12 inches make 1 foot; 3 feet make 1 yard; 5½ yards make 1 rod; but I have never learned just how many stunted and ruined lives of children make a case for a constitutional amendment. I am inclined to think it is a variable number, according to one's estimates of social values.

If child labor is a real and substantial evil, the most we can do to cure it is none too much, and even some abatement of one's theories as to appropriate boundary lines between State and National responsibility might not be too great a price to pay.

Floyd Collins was imprisoned in Sand Cave, Ky. For two weeks the sympathy of our people went out to him. Money was spent lavishly—and properly—to rescue this one life. I dare say that any legislature would have willingly authorized a large appropriation if it would have secured his release from that bondage. Yet many of these same people, many of these same legislatures, may be quite forgetful of the bondage unwillingly endured by thousands of American children because of this child-labor problem which threatens their health, happiness, and even life itself.

No question which involves the rights of children is ever settled until it is settled right. I had hoped that by this time national help for the working child would be assured. The indications are that the fight has only begun, but there is no break in the ranks of the proponents of the amendment. The great national women's organizations, the Federal Council of Churches, and many other organizations will keep up the struggle until the cause of the children triumphs.

#### EXCESSIVE FOREIGN LOANS THREATEN OUR FINANCIAL STABILITY

Mr. LOZIER. Mr. Speaker, three times recently, in the course of debate, I have emphasized the ill effects that must inevitably flow from lending in foreign lands an excessive or disproportionate part of our surplus funds. I have called attention of my colleagues to the fact that in the years 1919, 1920, 1921, and 1922 \$4,000,000,000 of American money has been withdrawn from domestic channels and sent overseas, an average of approximately \$700,000,000 annually, our foreign loans in 1924 aggregating \$973,011,500.

I have also shown that since January 1, 1925, the United States has absorbed foreign loans aggregating \$134,500,000, and new foreign loans in great numbers and involving staggering amounts are soon to be offered for American consumption.

In view of the foregoing facts one would suppose that the appetite of American investors for foreign securities would be fully satisfied, but not so, as negotiations are now in progress for the following additional foreign loans:

Thirty million dollars to two Japanese public utility corporations; \$5,000,000 to the Government of Newfoundland; \$50,000,000 to the Republic of Poland; \$5,000,000 to the Mortgage Bank of Denmark; \$35,000,000 to the city of Sao Paulo, Brazil; \$9,000,000 to the Province of Quebec; \$5,000,000 to the Berlin Light & Power Co.; \$2,500,000 to the city of Gratz, Austria; \$9,000,000 to the Kingdom of Hungary; \$10,000,000 to the Paris-Orleans Railway of France. These new loans aggregate \$160,500,000. This sum added to the \$134,500,000 involved in the first seven loans I first mentioned will make a grand total of \$295,000,000 new American capital invested and to be invested in foreign loans in the first few weeks of the year 1925.

A leading New York financial journal on February 5 made reference to the floating of new loans to Newfoundland, Poland, and the Japanese utility corporation, as follows:

#### NEWFOUNDLAND SEEKS \$5,000,000 TWENTY-YEAR LOAN

The Government of Newfoundland is reported to be negotiating for a \$5,000,000 loan with American bankers. This loan would be a long-term one running for 20 years. The financing would not be a funding operation, but, according to reports, the money would be used to finance improvements.

In addition to this issue, there are two Japanese public utility issues pending. Each is for \$15,000,000, and the negotiations are being conducted by two separate banking groups. One group has been working for some time on its issue and is nearly ready to offer the bonds, while the other has begun to plan the financing.

#### \$50,000,000 POLISH LOAN MAY BE OFFERED IN TWO WEEKS

Negotiations for the \$50,000,000 Polish loan which has been reported for some time in banking circles will be concluded within the next two weeks, according to latest advices. It is probable that the issue, which will be 20-year bonds bearing an 8 per cent coupon, will be offered in a fortnight.

American bankers have taken an option on the financing, signed by the Polish minister at Washington, which expires February 15, according to dispatches from Warsaw.

The same paper reported that Argentina is now or soon will be in the market for a new loan of \$75,000,000. I quote:

Furthermore, according to reports, it is planned to pay off the \$25,000,000 notes maturing February 25 in cash, thus clearing the way for the larger offering. This offering of \$75,000,000, it is declared, would be long-term bonds and would serve to put the Government's finance in better shape, as then the country would have no important issues falling due for about two years.

However, later news reports indicate that this loan may not be offered for sale until June, the object no doubt being to allow banking circles sufficient time to sell previous issues of foreign securities to the American investing public.

Nor is this all. Very frequently large issues of foreign commercial and industrial bonds are bought by American bankers and held for a time before they are advertised or offered to the public, as the following news item in the New York Journal of Commerce indicates:

#### GERMAN CHAIN STORES FLOAT SHORT-TERM LOAN

Announcement was made yesterday that another German commercial organization has arranged to borrow funds in the local market. Negotiations have been completed between a local banking syndicate and the Leonard Tietze Aktien Gesellschaft, one of Germany's largest retail store chains, for the purchase of a short-term loan.

The New York banking group consists of Lehman Bros., Goldman, Sachs & Co., Hallgarten & Co., Halsey, Stuart & Co., and J. & W. Seligman & Co. It was understood that the bankers would make no public offering of the new securities at this time.

It is the policy of the international bankers not to glut the market on foreign securities, but to offer them in an orderly manner so that each issue may be readily absorbed before similar issues of foreign bonds are placed on the market.

As additional proof of the ever-increasing demand of foreign nations for American money, I quote from the Wall Street News:

That heavy offerings are to be made this year in addition to those already made is taken for granted. (Issue of February 12.)

Comment in international investment circles indicates that both England and France are considering possible needs for additional loaning in the American money market. (Issue of February 11.)

The dealing in foreign securities on the New York Stock Exchange has increased so rapidly and attained such a tremendous volume that the exchange has recently formulated a special code of requirements in relation to the listing of foreign bonds. Commenting on these requirements, the Wall Street News on February 7 said:

The exchange is preparing for the future, when, from present signs, a great variety of foreign government and municipal bonds will come upon the American market. From the "feelers" already put out, it is estimated that foreign States and subdivisions would like to borrow around \$2,000,000,000 here during the next six months.

Now, in view of the fact that American banks engaged in international banking operation have invested these enormous sums abroad and sold these foreign securities here in the United States, is it strange that the supply of money available for loans is being constantly reduced and the interest rate on domestic loans maintained at the present high level? The immediate and direct result of this lavish lending of American money abroad is to increase, stimulate, and maintain high interest rates to the financial detriment of the agricultural, industrial, and commercial classes, who in whole or in part must depend on borrowed capital to carry on their vocational activities.

Let us understand this situation. The too lavish investment of American money abroad is retarding the economic reconstruction of America, preventing our industrial expansion, and delaying the rehabilitation of American agriculture. In my opinion we should call a halt and adopt a policy under which American money will be used, first to supply the needs and serve the purposes of the American people, and no foreign loans should be made as long as there is a substantial demand for loans for domestic purposes.

The international bankers of New York City and elsewhere, who are negotiating these foreign loans and reaping therefrom enormous profits, are behind the propaganda for the cancellation of the indebtedness of foreign nations to the United States. Their motive is a supremely selfish one. If these foreign creditors can get rid of their obligations to "Uncle Sam," they will have more money with which to discharge their indebtedness to these international bankers. They are not concerned in our Government collecting the \$11,000,000,000 due it from foreign nations, but they are very much concerned in the repayment to themselves of the loans they have made to these foreign nations, foreign cities, foreign railroads, and foreign industrial and commercial concerns. I read from a bulletin issued by the National City Bank of New York City that has negotiated most of these foreign loans:

It is improbable that the United States Government will ever take the position of insisting upon a preference in favor of its claims, or press its claims to the disadvantage of loans in this market by countries indebted to the United States Government, particularly where such loans have been made with the approval of the United States Government.

In other words, these international bankers do not want the United States Government to press its claims against these foreign nations. They want the Government to waive or at least postpone indefinitely the collection of its claims against these foreign nations until these international bankers can collect the private loans they have made to these nations at high rates of interest and exorbitant underwriting or commission charges. They do not want "Uncle Sam" to insist on "a preference in favor of its claims," or to "press its claims to the disadvantage" of the international bankers, who, with their eyes wide open have loaned these enormous sums abroad. In other words, these international bankers, enjoying princely profits from underwriting these foreign loans, in effect say to

Uncle Sam, "You step aside; let your claims ride; keep quiet; waive or postpone payment on the obligations you hold, so Europe, instead of paying its indebtedness to the United States, may be able to pay the private loans negotiated by the international bankers."

I trust I may be pardoned for discussing so often and so persistently this foreign-loan problem. I consider it one of vital and outstanding importance. Undoubtedly we have gone entirely too far in investing American money in foreign securities. I am trying to call attention to this reckless policy before it reacts disastrously. I am endeavoring to focus public attention on this maladministration of American financial affairs. I am pointing out dangers and abuses that threaten our prosperity and financial stability.

#### ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 21 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 18, 1925, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

886. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the General Accounting Office for the fiscal year ending June 30, 1925, to remain available until June 3, 1926, amounting to \$75,000 (H. Doc. No. 635); to the Committee on Appropriations, and ordered to be printed.

887. A communication from the President of the United States, transmitting a communication from the Director of the United States Veterans' Bureau, submitting an estimate of appropriation in the sum of \$558.75, to pay claims for damages to or loss of privately-owned property (H. Doc. No. 636); to the Committee on Appropriations, and ordered to be printed.

888. A communication from the President of the United States, transmitting estimates of appropriations for the District of Columbia for buildings and grounds, public schools, amounting to \$2,631,500, payable from the special fund created by the act approved February 2, 1925 (H. Doc. No. 637); to the Committee on Appropriations and ordered to be printed.

889. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of State for the fiscal year ending June 30, 1925, amounting to \$7,107.04 to pay the claim of the Government of Sweden (H. Doc. No. 638); to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GREEN: Committee on Ways and Means. H. R. 12300. A bill to amend section 281 of the revenue act of 1924; without amendment (Rept. No. 1500). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEATHERWOOD: Committee on Pensions. H. R. 11821. A bill to amend the second section of the act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917, as amended; with amendments (Rept. No. 1501). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEAVITT: Committee on the Public Lands. S. 3666. An act for the exchange of lands in the Custer National Forest, Mont.; without amendment (Rept. No. 1505). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WINTER: Committee on War Claims. S. 2552. An act for the relief of Leslie Warnick Brennan; without amendment (Rept. No. 1502). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. S. 953. An act for the relief of William Kaup; without amendment (Rept. No. 1503). Referred to the Committee of the Whole House.

Mr. LEAVITT: Committee on the Public Lands. S. 2087. An act for the relief of Laura C. Ida E., Lulu P., and Esther Peterson; without amendment (Rept. No. 1504). Referred to the Committee of the Whole House.



## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH: A bill (H. R. 12328) for extending the Fort Hall irrigation system in Idaho; to the Committee on Indian Affairs.

By Mr. GILBERT: A bill (H. R. 12329) to authorize the coinage of 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the founding of the State of Kentucky and of the first permanent English settlement west of the Alleghenies at Harrodsburg, Ky., on June 16, 1774; to the Committee on Coinage, Weights, and Measures.

By Mr. KVALE: A bill (H. R. 12330) authorizing and directing the Postmaster General to grant permission to use special canceling stamps or postmarking dies in the Minneapolis and St. Paul post offices; to the Committee on the Post Office and Post Roads.

By Mr. REED of West Virginia: A bill (H. R. 12331) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906; to the Committee on the District of Columbia.

By Mr. FREDERICKS: A bill (H. R. 12332) to amend section 2 of the act of June 7, 1924 (Public 270), entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes," in order to promote the continuous production of timber on lands chiefly suitable therefor; to the Committee on Agriculture.

By Mr. HUDSPETH: A bill (H. R. 12333) authorizing and directing the Postmaster General to grant permission to use special canceling stamps or postmarking dies in the San Angelo, Tex., post office; to the Committee on the Post Office and Post Roads.

By Mr. MADDEN: A bill (H. R. 12334) to amend the act entitled "An act to provide for the classification of civilian positions within the District of Columbia and in the field services," approved March 4, 1923, and the act amendatory thereof and supplementary thereto; to the Committee on the Civil Service.

By the SPEAKER (by request): Memorial of the Legislature of the State of Iowa petitioning the Congress of the United States to discontinue the appropriation of funds from the Federal Treasury for use in any State-aid purpose; to the Committee on Appropriations.

Also (by request), memorial of the Legislature of the State of Arizona, urging the endowment to the State by the Federal Government of 5,000,000 acres of land for the construction of highways and for the support of its educational and other public institutions; to the Committee on the Public Lands.

Also (by request), memorial of the Legislature of the State of Oregon, favoring the enactment of S. 3779, to provide for aided and directed settlement on Government land in irrigation projects; to the Committee on Irrigation and Reclamation.

By Mr. SMITH: Memorial adopted by the Legislature of the State of Idaho, February 10, 1925, urging the enactment of legislation to use the surplus in the various Federal reserve banks to protect depositors in such banks in the case of failure; to the Committee on Banking and Currency.

By Mr. WILLIAMSON: Memorial of the Legislature of the State of South Dakota, urging Congress to place on the statute books such legislation as will give to agriculture the same protection as is afforded to industry and labor; to the Committee on Agriculture.

By Mr. WARD of North Carolina: Memorial of the Legislature of the State of North Carolina relative to retirement of disabled emergency officers of the Army during the World War; to the Committee on World War Veterans' Legislation.

By Mr. LEATHERWOOD: Memorial of the Legislature of the State of Utah, favoring passage of S. 4060 and H. R. 11555, which provide for suitable recognition for the services of Lieutenant Maughan; to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FAUST: A bill (H. R. 12335) authorizing the Comptroller General of the United States to allow certain credits in the settlement of accounts of the United States marshal for the western district of Missouri; to the Committee on Claims.

By Mr. FOSTER: A bill (H. R. 12336) for the relief of James S. Black; to the Committee on Military Affairs.

By Mr. SIMMONS: A bill (H. R. 12337) granting a pension to Jacob Byers; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Michigan: A bill (H. R. 12338) for the relief of Hensler Bros.; to the Committee on War Claims.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3814. By Mr. CLARKE of New York: Petition of sundry citizens of Broome County, N. Y., asking Congress not to concur in the passage of S. 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3815. By Mr. DALLINGER: Petition of 70 citizens of Melrose, Mass., protesting against the passage of S. 3218, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3816. By Mr. DAVIS of Minnesota: Petition of sundry citizens of Stillwater, Minn., opposed to Sunday observance bill, S. 3218; to the Committee on the District of Columbia.

3817. By Mr. FRENCH: Petition in protest against the compulsory Sunday observance bill, S. 3218; to the Committee on the District of Columbia.

3818. By Mr. GALLIVAN: Petition of Hon. Edward W. Quinn, mayor of the city of Cambridge, Mass., urging early and favorable consideration of the game refuge bill, H. R. 745; to the Committee on Agriculture.

3819. Also, petition of Hon. Andrew J. Peters, Boston, Mass., urging early and favorable consideration of the game refuge bill, H. R. 745; to the Committee on Agriculture.

3820. By Mr. GARBER: Resolution of Carter Club, No. 119, Izaak Walton League of America, Oilton, Okla., urging passage of Federal migratory bird refuge and Federal shooting grounds bill; to the Committee on Agriculture.

3821. By Mr. KING: Petition signed by W. M. Whitney, D. G. Nelson, and other citizens of Vermont, Ill., with reference to the game refuge bill; to the Committee on Agriculture.

3822. By Mr. LEATHERWOOD: Petition of the Ladies Literary Club of Salt Lake City, Utah, favoring the entry of the United States into the World Court; to the Committee on Foreign Affairs.

3823. By Mr. LINEBERGER: Petitions containing several thousand signatures opposing the passage of the compulsory Sunday observance bill (S. 3218) and the passage of any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3824. By Mr. MAJOR of Illinois: Petition of George Graham and other citizens of Springfield, Ill., opposing S. 3218; to the Committee on the District of Columbia.

3825. By Mr. McREYNOLDS: Petition of sundry citizens of the State of Tennessee, protesting against the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3826. By Mr. SMITH: Petition containing 64 signatures in protest against the compulsory Sunday observance bill (S. 3218) and all other similar legislation; to the Committee on the District of Columbia.

3827. Also, resolutions of the Idaho Apple Growers' Association, indorsing the enactment of legislation providing for cooperative marketing; to the Committee on Agriculture.

3828. By Mr. TUCKER: Resolution of the Virginia Farm Bureau Federation, Roanoke, Va., opposing H. R. 3923, providing for the establishment of a department of education; to the Committee on Education.

3829. By Mr. VINCENT of Michigan: Petition of sundry residents of St. Charles, Mich., and vicinity, protesting against the enactment of S. 3218 or any similar legislation; to the Committee on the District of Columbia.

## SENATE

WEDNESDAY, February 18, 1925

(Legislative day of Tuesday, February 17, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senate will receive a message from the House of Representatives.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, announced that the House had passed with-